

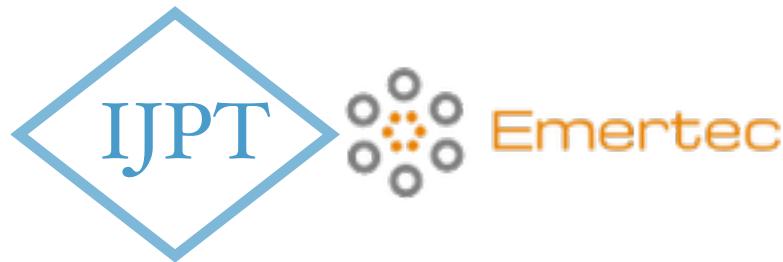
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About the Journal

INTERNATIONAL JOURNAL OF POLITICAL THEORY is an open access political theory journal looking to expand the scope of political theory, discover, and comment on current discourse in the fields of political science, international law, philosophy, sociology, societal, and economics. The scope of the journal tackles the key problems the new world faces, and offers a unique perspective; global political phenomena through the lens of how all of recurring observations fit into theoretical constructions, and what implications they have on moral, economic, societal, and physical terms. It welcomes unorthodox and provocative new arguments. The team is especially inclined towards the introduction of new theoretical compositions and observations; groundbreaking arguments combining the several fields the journal overviews.

The nature of the journal is multi-disciplinary; in fact, inter-disciplinaryism is highly encouraged, and the journal hopes to—as opposed to mainstream journals in political theory—fix the major methodological and cognitive ills of the field that are diagnosable through experience and study in multiple disciplines. As the reader is well aware of, economics, politics, law, and all other fields of social study overlap each other, especially in the globalized world we face today. Political theories are rarely isolated from their "non-political" sciences. For this reason, instead of the *IJPT* being a specialized journal having a single source of ideological stream, it hopes to be a database of a wide range of foundational, interdisciplinary theories revolving around the subject of the numerous sciences listed above. What is important for the editorial team is the uniqueness and provocativeness of the contribution: the *IJPT* is meant to be a journal for provocative, ground-breaking discoveries and theories.

All in all, the editorial board of the *IJPT* is proud to present this multi-disciplinary, moral/ethical-oriented journal to all seekers of knowledge. All papers are guaranteed to offer new and interesting perspectives on the fields in question.

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Editorial: The IJPT & its Impact

Jaan Islam
Dalhousie University

INTERNATIONAL JOURNAL OF POLITICAL THEORY (*IJPT*) is a Canadian-originated open access journal looking to expand out understanding of the *dimensions* of political theory, discover, and comment on current discourse in the fields of political science, international law, philosophy, sociology, societal, and economics. The scope of the journal tackles the key problems the new world faces, and offers a unique perspective; global political phenomena through the lense of how all of recurring observations fit into theoretical constructions, and what implications they have on moral, economic, societal, and physical terms. It welcomes especially unorthodox and provocative new arguments. The journal is inclined towards the introduction of new theoretical compositions and observations; groundbreaking arguments combining the several fields the journal overviews.

By its nature, the scope is multi-disciplinary. Publications come from the fields of political science, philosophy, religion, history, economics, sociology, and others. The nature of the journal is multi-disciplinary; in fact, research of inter-disciplinary theory is highly encouraged, and the journal hopes to—as opposed to mainstream journals in political science—fix the major methodological and cognitive ills of the field that are diagnosable through experience and study in multiple disciplines. Through this process, the journal is capable of reforming the dimensions of study of political theory. As the reader is well aware of, economics, politics, law, and all other fields of social study overlap each other, especially in the globalized world we face today. Political theories are rarely isolated from their "non-political" sciences. For this reason, instead of the *IJPT* being a specialized journal having a single source of an ideological stream, it hopes to be a database of a wide range of foundational, interdisciplinary theories revolving around the subject of the numerous sciences listed above.

What is important for the editorial team is the uniqueness and provocativeness of the contribution: the *IJPT* is meant to be a journal for provocative, ground-breaking discoveries and theories. The *IJPT* covers a wide range of studies around the focus of political theory, ranging from Political Science and Philosophy to Economics, Religious Studies, and History. The *IJPT* is theory-oriented, all submissions should be tied to new, preferably provocative theoretical conceptions of contemporary political phenomena.

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General themes covered include contemporary commentary on the "clash of civilizations", human rights discourse, as well as studies on older progenitorial political thinkers and their respective theories. The *International Journal of Political Theory* keeps in touch with relatively recent every-day political issues that reverberate throughout the world. Submissions regarding studies of political theorists, the relationship between religion and politics, and other related articles have relevance to the contemporary world. Major issues include discourse on the "clash of civilizations", human rights discourse, modern struggles with religion, political philosophical topics, democratization, and so on.

The *IJPT* is an open access journal. It is dedicated to providing costless education and information to all seekers of knowledge, and making contributions to the journal affordable for the readers. Our philosophy of accessibility derives from the belief that—especially in an age with new forms of disinformation (the information age)—people should have access to the most high-quality and knowledgeable information, whilst there is much *disinformation* online for free.

Instead of following a path of being the "gate-keepers" of knowledge—as Yale University describes themselves—the *IJPT* is committed to being those who disseminate knowledge. Since the ancient roman times, under Catholic Christianity, access to 'information' has been especially hard for the poorest people; this is true even today, according to the authors of *Reconstituting the Curriculum*.¹ This journal by no means adopts an open access policy for the sake of convenience, a higher citation index, or expedience matters; rather, the policy is adopted for the purpose of providing the most valuable knowledge to all. Submissions made to *The International Journal of Political Theory* undergo an objective, double-blind peer review process in which a single standard is used to analyze the relevance and academic quality of the individual papers. The *IJPT* keeps its academic work at a higher standard than average theory journals such that there must be a unique and provocative argument made, preferably changing the dimensions (major or minor) of the field of study.

On this note, I must mention that academic integrity is unreservedly crucial to the submission review process. The standard of originality, ethical academic rigour, and honesty are paramount principles to be followed both by researchers and the individuals involved in the review process. The COPE (Committee of Publication Ethics) guidelines² are followed throughout the review and publication process. The *IJPT* is proud to a unique journal, having an ethics review chair (Professor Derek McDonald) who can independently review the complaints of those who feel that our ethical standards were violated in the submission process.

The *IJPT* is a project of *Emertec Research and Development Ltd.* (Est. 2001), a Canadian, Provincially registered research organization with dozens of researchers registered. Emertec's some 30 world-wide researchers look to expand the horizon of knowledge in the information age and have managed to publish hundreds of articles and books.³ Many researchers serve on *IJPT*'s editorial and advisory board.

Editors and reviewers are to evaluate and complete their respective duties towards the works submitted solely on the intellectual and academic rigour in the respective works, and not on basis of individual, group, religion, race, gender, or other bias. As is the case with academic journals, reviewers and editors are given the intellectual autonomy to do their job, but are expected to evaluate cases to their knowledge (if at all), and refrain from reviewing where there may be potential bias. Full confidentiality is maintained throughout the submission process, and publication may only occur with consent of the necessary parties involved.

The editorial board consists of academics and professionals in the fields that the journal covers, with of course, a focus on political theory. The following is a list of editorial board members and affiliates of the *IJPT* along with their respective affiliations. As the reader will note, advisors from fields such as history, law, and even economics are included, allowing for true multi-disciplinarism.

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The current issue consists of several valuable contributions by members across the globe. Legal scholar Barry Grossman discusses the ills of international law and discourse ethics—often applied to justify international law—and how it is non-justified on two levels. On the theoretical level, international law implies that one can enforce a set of morals and laws unto a people or state if they choose not to be so long as they do not *actively* consent. On a practical basis, Grossman argues that the unlimited number of legal traditions and enforcement mechanisms in the world cannot all be represented by a multilateral attempt at forming international law.

There are two works generally commentating on the “clash of civilizations” phenomenon and how we can better understand Islam as a political entity. A study on Ibn Khaldun’s political theory sheds light on the major differences in Islamic and western thought. A review article of modern understandings of the relationship between Islam and violence allows us to come a step closer to developing a comprehensive theory on whether, at least ideologically speaking, there is a clash of civilizations.

I am very proud and excited to present the first issue of the *International Journal of Political Theory*. The discoveries, practical recommendations, polemics, and reviews are all provocative, unorthodox, and all undoubtedly shift the way in which we understand the respective topics of the articles. Whether it be the relationship between political Islam and liberalism, approaching economics from a cultural perspective, or evaluating the efficiency of international law, I can say with confidence that if such submissions continue to come out way, the face of political theory will evolve into something more holistic, logical, and concise. This is the wave of the future.

Jaan S. Islam
Editor-in-Chief
Istanbul, Turkey

Notes

¹ MR Islam, GM Zatzman and JS Islam, *Reconstituting the Curriculum* (New York City: Wiley-Scrivener, 2013).

² Committee of Publication Ethics, “Code of Conduct and Best Practice Guidelines for Journal Editors and Code of Conduct for Journal Publishers,” *PublicationEthics.org* (2011): 1-11. Available at: http://publicationethics.org/files/Code_of_conduct_for_journal_editors_Mar11.pdf

³ Emertec Research and Development, www.emertec.ca.

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A Long and Broken History of Western “Universalism”: Cosmopolitanism

Barry Grossman and Jaan Islam
Emertec R&D | Dalhousie University

ABSTRACT

With recent developments in political globalization, self-identifying “cosmopolitans” have overwhelmed the scholarly discourse. This article examines the moral claims behind the theory of cosmopolitanism—in its political universal form—while being especially cautious of claims of such *true* universalism, and its likely dangerous applications. This entails a brief analysis into certain justified universalist legal traditions; an example of such is found in the International Criminal Court (ICC). In examining the theory and application of western-originated cosmopolitanism, we not only see how theoretical claims of moral superiority are wrong, but that they are alive and well in western theories. In application, it follows that even (slightly) milder legal traditions, like the ICC, imply this unjustified moral superiority.

Keywords: international law, legitimacy, intervention, cosmopolitanism, morality

1 Introduction

IN THE 21ST CENTURY, the world has experienced phenomenal heights in global governance. The ICC, United Nations (UN), powers of the Security Council, and treaties that emanated from the UN Declaration of Human Rights all testify to this. However, there is indeed a downside to such an arrangement, one unlike anything we have seen before; a clash of an entire gathering of states with individual state sovereignty, a global, moral status quo, expectations of every nation in terms of having a basic legal structure, market/economic system (capitalism), and even a form of global culture that follows from it.

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We argue that the forms of force and pressure applied to non-conforming states, such as those purported by the ICC and expectation of the global legal status quo — though indeed may have origins in moral claims or generally universal principles — constitute a legal and moral breach of the sovereignty of states, peoples, and individuals everywhere in the world. That is, if the beliefs of equality amongst all individuals holds true, and if we believe that imperialism along with either explicit or implicit imposition of political, legal, and ideological beliefs (which follow from these global developments) onto countries and peoples within them is a morally *wrong* thing, then one must reject any sort of global imposition of governance or moral principles off-hand. We will examine how, without exception, there can be no such thing as imposed global governance that does not imply imperialist and claims of moral superiority. The objective of this paper, as we have stated, is not to look at the quality and efforts of cosmopolitan and similar post-enlightenment theorists' arguments, or at least the substance of each and every one of them. Rather the objective of this paper is to analyze the objectivity of this universal legal tradition, or lack thereof, and see if it is inherently imperialist.

2 Eurocentric subjectivity

We know well that the notion of the 'Cosmopolitan' dates back to the ancient greek Stoics, who adopted a cosmopolitan approach, as opposed to the approach of "cosmopolitanism". Sypnowich identifies the schism between the two; whereas the original notion of a 'global citizen' referred to more of a personal belief and situation, a possible guidance of domestic policy and attitude towards others in an open way, the latter refers to the political and legal attempt at putting peoples within a global tradition of morality and legal expectations—something often identified with imperialism.¹ The second, i.e. political cosmopolitanism, emanated and drew from the original understanding, taking its incarnation comprehensively first (arguably) in the form of Immanuel Kant's vision for a global community of states. The whole origin and problem with this notion of universal application, rather than theoretical acceptance of the individual or state (as was the case with the stoics), necessarily implies such international cross-cultural conflict when those of other cultures reject this application.

Kant, taking partial form in his famous *Perpetual Peace*,² proposes a comprehensive universal political theory. Specifically, in his hope to achieve perpetual peace amongst nations, entailing the elimination of war and moral, consensus-based cooperation between states, he proposed a series of rules and moral expectations to be followed.³ Though it has been criticized for its lack of enforceability of the claims, some have read it to eventually pave out a road to a legally enforceable system, and others have adopted it to fit a more 'suitable' form in the modern day.⁴

Whatever be the case, the problem with the approach itself is its blatant lack of, or even respect to attempt to adhere to 'open universalism'—universalism that crosses the bounds of cultures and peoples. Kant, likely limited by the overwhelming presence of the Orientalist, Eurocentric approach to politics present at the time in Europe, kept his view of morality, governance, and law from a western perspective.⁵ Even though Kant acknowledged that even the 'savages' of the

world could build their civilization and join the league of nations (hence discouraging imperialism),⁶ the statement in itself and through its utter lack of appreciation and inclusion of non-European standards is purely subjective from a European point of view. As an example amongst many, when Kant states that “[t]he Civil Constitution in every State shall be Republican,”⁷ or that “[e]very form of Government, in fact, which is not representative, is properly a spurious form of Government or not a form of Government at all...”⁸ demonstrates this deficiency.⁹

Interestingly, along some lines of scholarship, this very clear tendency to have a lack of consideration and acknowledgement, this very subjective line of view, is still present. Let us take the example of the late John Rawls, who suggested a Kant-based ideal of a “realistic utopia,” referring to a global organization of states and fundamental moral expectations, more generally an order for the world, as described in his book *The Law of Peoples*, an international application of his *A Theory of Justice*.¹⁰ This ideal global solution builds upon the assumption that liberal democracies, the western ideal of the social contract to be ‘good’, enough to be set as a standard for the world. What he calls ‘decent’ societies may be included in this group of states,¹¹ while other, so-called “indecent” peoples are not to be included.¹² Many scholars have no problem with the statements, and others have criticized it for being too permissive towards illiberal peoples. Where did Rawls go wrong?

Amongst many problems, one of the problems with his ranking of societies, specifically, his permitting of human rights violators to be dealt with through force, can be found as a version of this applied imperialism. He calls these societies “indecent” and illiberal societies. Furthermore, Rawls states that “burdened” societies are those “whose historical, social and economic circumstances make their achieving a well-ordered regime, whether liberal or decent, difficult if not impossible.”¹³ As a response, Rawls recommends an establishment of “appropriate” political and social culture, ensuring that they are capable of rationally handling their affairs.¹⁴

I do not doubt Rawls’ personally good intentions, but this agenda to *reform* any nonconformist society is unacceptable and paternalistic. Such a blatantly obvious remark, surprisingly, was only captured by John Hobson, who pointed out that Rawls’ theories are another example of Europe’s long-forgotten bias of Eurocentrism.¹⁵ Here, we assert that Rawls exemplifies and endorses the notion of the 19th century *mission civilisatrice*, the title for the French imperialist mission to reform and ‘help’ undeveloped societies. In doing so, Rawls takes a more extreme position relative to Kant’s.¹⁶ It may be argued that Rawls supports multi-lateral, as opposed to unilateral interventions and action towards other ‘peoples’. The problem is that it is still illogical to believe that multilateralism changes or expands the legitimacy of the values upon which the intervention is made to be true. In other words, many countries engaging in unified intervention does not change the imperialist nature of that intervention.

It is important to understand that Rawls does not take liberal cosmopolitanism as his standard, and rejects its foreign policy. However, he still does create a moral hierarchy of societies—

arguably, doing this frees Rawls from having to claim true universalism. That being said, we have yet to pinpoint the source of the problem with Rawls' arguments.

When one identifies that Rawls is ranking societies and deciding their fate, the illogicality from doing so arises from the fact that Rawls cannot prove that *his* hierarchy of societies is derived from an ultimate source of 'right' and 'wrong'. In Rawls' words, "decent" and "indecent" societies are decent and indecent because of Rawls' opinion, not due to it being ground in absolute truth.¹⁷ However, Rawls is not making claims to know the absolute truth. One must then point out how the application of his theory can be *right*, if he cannot prove that the theory is right or universal in any sense. The problem is not Rawls' convincing moral argument—his vision for a realistic, global utopia—but rather his utter subjectivity and myopic¹⁸ outlook. Rawls' lack of questioning the notion of morality, and the effects it clearly takes an imperialist outlook, and his inability to entertain the question of what makes something moral is the problem.

The latter discussion tackles the true universalism in a liberal outlook, for now it is just important to understand that the liberally-derived moral outlook,¹⁹ itself is problematic as it infers a non-justifiable moral inequality.

Skorupski's liberal theory of cosmopolitanism is a milder example of the myopic approach adopted by cosmopolitan interventionists. Favouring intervention on the universality of human rights, saying "human rights are rights whose violation can in principle ground a rectificatory intervention by anyone at all, not just by someone authorized by those whose rights are violated, or by some member of the relevant polity or collective."²⁰ Clearly, this may be understood as problematic when one does not question the grounds for such rights, whether or not which rights, or rights in general, may be measured on absolute moral grounds—which they cannot absolutely. Hence, suggesting that "the ordinary conception of moral rights is sufficiently settled and stable to underpin this condition, without broaching deeper philosophical questions about the foundation of rights as such,"²¹ is flawed in nature. This is because the action or imposition assumes that rights and their enforcement mechanisms are right, and others are not. This implies the existence of a moral high-ground, an imperialistic outlook, to which one may respond: 'who are you to tell me what's right and wrong if we really are all free and equal?' This question, which occasionally perturbs the individual, is never answered. What is important to realize is that the lack of attention of the author to a) universalize a theory of human rights, and b) universalize the application of enforcement for those rights. Although this is beyond the scope of the paper, it is interesting to note that even if human rights theorists have demonstrated universality of fundamental concepts such as the right to life, the enforcement, trial, interpretation, and other mechanisms could never possibly be universalized for the simple fact that every locality of every country has a different legal enforcement system in place.

From a relevant post-colonial, Islamic point of view, Abdullah Ahmed An-Na'im takes it upon himself to convince others to adopt liberal western legal and moral standards. An-Na'im claims that because West, through colonization has already implemented its forms of governance, and

that those countries choose to keep the bulk of those things, it logically follows to adopt the same conception of rights and legal framework,²² to “ensure a minimal degree of practical compliance.”²³ Interestingly, this is an even more extreme idea proposed, more than Rawls’ treatment with burdened on indecent societies, as it attempts to morally convince the previously colonized population to not adopt their own legal tradition(s). There is no reason why any population should be constrained to western interpretations and applications of laws on the institutions they created, setting the standard. Even amongst the West, no two countries have the same form of law (and hence, same standards) to deal with the argument. It is important to quickly reject this notion of reasoning, but interesting to view the multi-dimensionality of the scholarly discourse. We now turn to identifying the core of this universal argument.

In an essay, Nussbaum reviews the tension between what is dubbed the ‘Communitarian Nietzschiens’ and ‘Universalist Kantians’, stating that the former was “based less on reason and more on communal solidarity, less on principle and more on affiliation, less on optimism for progress than on a sober acknowledgment of human finitude.”²⁴ This attitude is echoed in McIntyre’s rejection of morality and universality on the terms of separating morality less as an absolute feeling or natural ideology, but an act to justify actions or attitudes.²⁵ This borderlines Schmitt’s ideological standpoint on seeing liberal ideology as disguised manipulation in the cover of morality. Though it is certainly possible that moral discussion and ideology may be manipulation or imperialism in disguise—which does occur—it is not necessarily true for many universalists and thinkers²⁶ who are more genuinely trying to create general consensus. This same criticism is applied by Habermas to this opinion, deconstructed for the most part in the latter section. The problem lies, adjacent to the Nietzschean philosophical tradition, with the assumption that morality is universal, and that such universal values can be absolutely measured—we know they cannot.

The objective here is not to make any particular claims about the modern development of international moral norms, it is to identify the very important background and theoretical framework that modern-day theorists have been analyzing the world through. The largely moral perspective displayed from Kant to today has been deconstructed, nailing the issue to the point that follows: there is no dictator of moral values, if all are equal, and all share different moral values, then no matter how much any party claims to be universalist, helpful, generous, etc., they cannot be considered valid on an objective basis. Furthermore, it implies that any such claims of absolute morality and universality, when a strictly western approach is taken, cannot be entertained, and it is important to identify within the scholarly discourse such claims and discard them. From this point, we analyze other, universal claims, their objectivity and validity, with the ICC as a revolving theme. In a modern context, this realization that there is no such thing as absolute morality is found in studies like that of Pahuja’s,²⁷ where in her detailed political and economic analysis of recent global events, found that neo-imperial and neo-colonial attitudes are present and flourishing in the modern world. The following section rather takes a moral and legal view of how these broad trends are found within the context of international law.

3 The Problem with Habermasian ‘Discourse Ethics’

Jürgen Habermas is famous for — among other things — his expounding upon the once-highly popular use of discourse ethics as an endorsement of international law. He applies his logic of discourse ethics from the level of deliberative democracy, to that of an international universal, legal order. In his *Moral Consciousness and Communicative Action*,²⁸ he makes the specific argument that consent is what forms the validity and ability of enforcement; that is legally justified (on his terms) creates a universal idea. He argues that, put in very simple terms, “only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as participants in a practical discourse.”²⁹ This also implies, as he mentions, that a party that wishes to withdraw its position after it has consented is not legally valid. Once you have entered the contract, you cannot leave it. Leaving does not diminish from the fact that the party agreed to this universal norm—termed the “Universalization Principle”. He thereby uses what is intersubjective, common accepted, to make something ‘right’ or ‘legitimate’. Responding to Carl Schmitt’s criticisms of the politicization of human rights, he dismisses the proposition of morality dictating the existence of human rights, stating that “[t]he conception of human rights does not have its origins in morality; [but] is...distinctly juridical in character”³⁰ in an attempt to legally justify such actions. Habermas bases his legal defence of Kant on the two major principles; a) the UDHR obligating all member states to follow, and b) the UN’s own “right of intervention” in the UN Charter.³¹ This is grounded in the notion that all individuals in the world have enforceable rights grounded within an international legal process—this is the same tone adopted by Hayden,³² who claims that the UDHR obligates all governments, justifying the ICC and legal military intervention. It should be noted that Habermas, though not favouring unilateral interventions, still favours the notion of multilateral interventions sanctified by the so-called legal process.³³

However, there is a major flaw in this sort of argument, which forms a partial basis for our theory. Regarding this position, Thomassen points out that “this begs the question of the rationality of the discursive testing...”³⁴ — questioning the fact that there is no guarantee of the rationality of such a universal principle made in this way. We modify this objection, concentrating on the fact that there is no guarantee of the “universal” principle being a moral one — let alone a universal standard, for two reasons. Firstly, it is illogical to think that morality and law will always coincide. Famously, Thomas Jefferson once said, “If a law is unjust, a man is not only right to disobey it, he is obligated to do so.”³⁵ In the case of international law, theoretically, laws are expected to be created on moral grounds—state signatories to agreements reasonably except moral legal structures and laws. One must then ask if it is right to agree, or continue to agree to a convention or a consented law if they don’t consider it right. From this premise, it follows that a state, whether due to a change in outlook or in regime, would logically be morally obliged to revoke international obligations without pending enforcement.

Secondly, and more to the point, there is absolutely no guarantee that this consensus could be an absolute moral standard. Our colleagues have recently attempted to answer the question, “what is

true?” We conclude that in order for something to be valid as a fundamental, human standard, it must pass very basic logical conditions. Thus, it must have a true origin, and its essence cannot change through time, space, or perception;³⁶ i.e. something that is true cannot not be not-true through time—even if an observation is no longer such (the substance changes), the explanation/principle governing the explanation of this change/observation does not change (the form). Here that we are talking about a standard for humanity, not some impermanent legal structure: something universal, like human rights. If, for instance, a group of people got together and decided there was no right to life, and another decided there was one; assuming both are true assumes that the value of human life is subject to peoples’ beliefs; this is not consistent with basic tenets of logic. Even if we only include the second criterion (absoluteness), it is illogical to for this universal standard to be a product of certain individuals’ opinions at a certain point in time. Habermas’ theory operates external to a logical ranking of true and false — which we happen to agree with. Habermas’ undetected but biggest error is that he conflates our knowledge in the present moment with knowledge of the Truth (deliberately capitalized).

But this discussion reaches a dead end, and cannot be taken on the merits of logic, belief, or another criteria. It is possible that a “universal” standard — “universal” according to Habermas — applying to human beings or states is not morally justifiable, and that the morally right thing to do is contrary to the deliberation following Habermas’ procedure. It is precisely because we do not know what morality is that we cannot penalize somebody — say, a *defector* from Habermas’ contract — for doing something that is in their view moral. Anybody — like Habermas or anybody else — can advance theories; but our inability to know if an advanced theory is really legitimate leads us to not justify enforcing our theories of morality onto others’.

This leads to the point we want to make on the higher plane regarding methodology. In Habermas’ opinion, right and wrong (morality) is dictated by the process of universalization he proposes. We disagree. But this is beyond the larger point, namely: that we may never know whether something is ultimately or always inherently “good” or “bad”. If a state were to at one point agree with Habermas (*viz.*, that something is right by consent), and consented to a principle, and then, on grounds of believing in a different view of morality, withdrew from the principle as previously agreed (say, on religious grounds), it would be a moral imposition to penalize the withdrawing party. For instance, Iran agreed with the morality of the UDHR, and consented to it, implicitly based in the belief of Habermas’ system of legitimization. After the Iranian revolution, the country revoked its association with the UDHR due to so-called un-Islamic values in the document.³⁷ If, say, the UDHR itself contained a clause permitting penalization for revocation, it would be a moral imposition to carry it out, as Iran considered itself—based on a different worldview—morally obliged to revoke association with the UDHR. Hence, we have morality vs. morality, and any opposition from either side would be exactly that: an imposition

4 International law and cosmopolitanism

We begin with discussing the attempt for some to approach human rights from a legal perspective, then shifting specifically towards the case of the ICC, the main theme being the discussion of imperialism and western subjectivity. Perhaps the most provocative Kant-aligned arguments in favour of justifying international legal traditions is that of Habermas. Off the bat, we see that the attitude clearly demonstrates an appreciation of Kant's ideal of the world; planning out a global economic, political and legal, tradition, and a form of laws/guiding principles to be applied on all people and nations. For instance, she supports Kant's dictation of principles like freedom of speech/public forum to stop countries from justifying acts without conscientious consensus;³⁸ or encouragement of liberal political culture for the purpose of "civilizing" the people of the world³⁹. He not once questions the validity of such claims—or that it is possible that such claims may not be valid. Rather, she expands this unjustified theoretical formulation to invade the sovereignty of every individual and state (arguably beyond what Kant himself intended).

The more provocative portion, however, is the legalization of cosmopolitan-like universalist laws. Habermas, in reply to Carl Schmitt's criticisms of the politicization of human rights the dismisses of the assumption that "that the politics of human rights serves to implement norms that are a part of universalistic morality". He states that "[t]he conception of human rights does not have its origins in morality; rather, it bears the imprint of the modern concept of individual liberties and is therefore distinctly juridical in character,"⁴⁰ attempting to legally justify such actions taking a tangent.

Instead of taking a moral position, Habermas inserts the notion of legality that enforces rights, a notion that "outstripped Kant."⁴¹ Habermas bases his legal defence of Kant on the two major principles; a) the Universal Declaration of Human Rights (UDHR), obligating all member states to follow, and b) the UN's own "right of intervention" in the UN Charter,⁴² being legally justified. This is ground din the notion that all individuals in the world have enforceable rights grounded within an international legal process. This is the same, clearer tone adopted by Hayden,⁴³ who claims in review that the UDHR obligates all governments as such, providing the ICC and justifying legal military intervention. It should be noted that Habermas, though not favouring unilateral interventions, still favours the notion of multilateral interventions sanctified by the so-called legal process.⁴⁴ Before engaging in a response, it should be understood that although the scholarly discourse has situated itself in a pro/against unilateral interventionist scale⁴⁵, we take the stance of the entire notion of intervention, regardless of 'consensus' or multilaterality. In response to this line of thought, those stretching beyond the mere morality, we suggest two responses.

Firstly, there is the legal argument. Wall leads a powerful argument against the theory and enforceability of the UDHR. On the theoretical component, he made it clear that the document itself did not constitute an authoritative document, but "a statement" upon which to build further treaties,⁴⁶ but the documents and the UDHR itself do not provide for a form of enforcement,⁴⁷ which of course ends up being undertaken by countries like the US, and itself also lacks interpretive authority, or even if interpretation is to extend beyond the individual state's own

interpretive mechanisms.⁴⁸ Such lack of discrepancy has several effects that all found itself within the notion of arbitrary interpretation and implementation,⁴⁹ and arbitrary, suppressive enforcement of the United States upon other nations that it deems to be,⁵⁰ and the imposition of western/global human rights values over other human rights values (like Indian and Islamic ones),⁵¹ emanating from the fact that there is no such thing as a singly interpretable set of 'human rights', which finds itself as diverse as there are cultures. He dedicates the rest of the article to examining the arbitrariness of this enforcement in the case of the United States. To Habermas, it is interesting to observe that the US itself is not bound by the rules it implements—the UN therefore cannot be accepted as any sort of bearer of human rights or legal standard, and therefore cannot have legal validity itself-being non-enforceable.

The second response takes a more logical outlook. As quoted above Jefferson stated that "If a law is unjust, a man is not only right to disobey it, he is obligated to do so."⁵² In the case of international law, theoretically, laws are expected to be created on moral grounds—state signatories to agreements reasonably except moral legal structures and laws. One must then ask if it is right to agree, or continue to agree, to a convention or a law brought by a consented-upon legal arrangement if they don't consider it right. Our intention is not to say that laws have no moral meaning, nor do we want to engage in such a discussion. However, it is rather peculiar that certain people apply legality to be more valuable than morality when it fits their agendas—as some supporters of international legal standards claim. We simply assert that it is the same group of scholars who would want an enforceable legal standard to be created in the name of morality. If that is the case, it would be a double-standard to claim that law takes precedence over morality (to prevent moral injustice the previous legal system applies). From this premise, it follows that a state, either do to a change in outlook or in regime, would logically have the right to revoke international obligations without pending enforcement (which, interestingly, does not even exist in the first place). It is from the moral backdrop that further discussion will ensue; the case of the ICC.

The ICC is a treaty-based criminal court, providing 'objective' criminal tribunals and holding committers of certain crimes to account through this court. That being said, the ICC gives itself jurisdictional authority to all people, even non-parties to the agreement, and non-state actors. Such people may be captured, tried and punished accordingly. Akande states that in legal terms, such authority is allowed, as non-party actors/states are neither obligated, or required to refrain from any terms—that fact that a state's interests (especially American) may be affected does not qualify as an imposition.⁵³ The ICC states that it has jurisdiction over even non-consenting parties if approved by the UN Security Council,⁵⁴ or when "the "conduct in question" took place on the territory of a state party, or on one of its flag vessels or aircraft, regardless of the accused's nationality."⁵⁵

There are two important observations to make about this argument; one about the legality, and the other on the ICC's general structure. Firstly, the suggestion that any authority simply has the right to subject legal, non-consenting citizens to another form of law is simply not justified.

Casey and Rivkin point out the blatantly obvious: the fact that the Rome Statute imposes its jurisdiction upon any nation and rule of law in the world violates the fundamental understanding that all states are sovereign and equal in their legal sovereignty⁵⁶—even the claimed proposition of an arrest warrant without consent is ridiculous. This logic also derives from the fact that all individuals are equal, providing that all individuals can have a logical foothold for this claim—the logic that all individuals are equal ideologically and that no person can rightfully or with absolute proof that they are morally superior; hence applying not just to states but all others as well. “By asserting power over the civilian and military officials of non-party states, the Rome Statute clearly violates the sovereign equality of those countries as guaranteed by international law.”⁵⁷

Furthermore, we would take this a step further, invoking the above discussion on “legality” vs. “morality”. As previously stated, because legal grounds do not imply moral grounds, even in a case where a signatory to the rome statute, or a member of the UN (subject to the jurisdiction of the UN Security Council) could simply revoke its agreement; theoretically (morally) and enforceability-wise, no institutional body can claim right over another, no individual over another. It follows that a country like Iran (as it has) that revoked its association with the UDHR due to unIslamic values formulated within it,⁵⁸ is certainly morally permitted to do so. When law is based on morality, and it cannot be defined, then laws—which themselves carry no enforcer—can be revoked. Similarly, even non-state parties that don’t consent cannot be captured, or subject to any such jurisdiction. This gradual and general process, which is ultimately a question of morality in everyone’s eyes (whether making or not making law), of justifying war and gradual attempts to fit the world under a certain jurisdiction, is not morally justified, and bares just as much legitimacy as any form of imperialism does.

5 The final hope: multicultural universalism?

Even from a western (more-or-less) liberal orientation, Rawls, Nussbaum, Pogge, and other diverging advocates for global governance have managed to vie for a final gasp of argumentation, the groundbreaking claim that the nature of liberalism — its taking into consideration and a formulation of all peoples’ concerns — is not imperialistic, but the ultimate way to peacefully coexist. In other words, liberalism can be justifiably enforced because it is truly universal and pluralistic. Ralph best summarizes liberal cosmopolitanism as “a political stance that is committed to nothing more than the defence of institutions that enable the expression of diverse opinions and of the defence of values that emerge from a reasoned dialogue across those opinions.”⁵⁹ The claim then could be made that liberal cosmopolitanism, such as that found in the form of the ICC is not imperialistic because it inherently takes all legal traditions and cultures into consideration.

Ralph, again, looks at the case of the ICC in order to prove such a point. Though we have our reservations towards the validity of the liberal argument which are discussed in the end, it is important to review the ICC case. Ralph claims three points: that (a) nearly all civilizations have

the basic expectation of morality and rights accepted by the west, (b) there is an unbiased, independent judiciary, and (c) the ICC itself does not encourage violent intervention—akin to the 2003 American-Iraq war⁶⁰ (which he clearly opposes, titling such ideology as “Wilsonian” that differentiates between an ultimate subjective understanding of ‘good’ and ‘bad’). Regarding point (a) there is no doubting that there is more or less a non-western, global consensus, as found in declarations like the UDHR. Despite this, however, though global governance is not a solely western agenda, it is still *an agenda* nonetheless, and still assumes the same moral superiority over others. Furthermore, we dispute this point by highlighting that the ICC’s efforts and principles are of western origin,⁶¹ even if certain states (which have obviously been influenced by west ideology) agree to these western standards. Agreeing to western standards does not change the fact that it is a western-imposed — in the sense of imposing it on non-consenters — from an objective point of view. Obo and Ekpe⁶² note that it does not reduce the case-by-case arbitrariness of prosecution and other clear western, practical, power-based influences on the ICC.

This takes us to the second point, how truly independent is the ICC from the western powers? Though we will not examine the detailed case-by-case theories the above scholars and others elaborated on, we point out that the so-called universality of the legal traditions is not as it seems. In the former section, we saw how divergent the interpretation and diversity of even amongst basic “human rights” can be. Some, like Vice President of the International Court of Justice, Abdulqawi Yusuf,⁶³ believe that “the positive outlook on the endurance of the diversity of legal traditions is justified.” He states this backed by the fact that many regional traditions form converge and form international law. He gives the example of the Rome Statute’s provision for the existence of “dissenting opinions”⁶⁴ amongst judges, opinions that come from a variety of legal backgrounds.

There is a major flaw in this moral argument. It assumes that there is a reasonable amount of diversity amongst judges, that when a panel is more diverse, a lack of cross-cultural understanding is made up for. This is unfortunately not the case; after looking within domestic law of a given country, especially in places where tribal, ethnic, and cultural differences and norms are very different even within the country (let alone from the west), it becomes unreasonably hopeful to believe that such deep-rooted, historical, non-generic, isolated cultural legal traditions can be fully—or even sufficiently—understood by judges with much less experience and understanding. It is also comical to attempt to give legitimacy to interpreting, say, African cases, due to the fact that one amongst the panel of judges was born in Africa. It is blindly naïve to assume that an “African judge” can possibly represent and understand all of the legal traditions and cultures within Africa. Another flaw in the ICC argument that Ralph (among others) makes is that it is impossible to incorporate and interpret law for countries and cultures wherein the possessors of the culture reject outsiders interpretations.

As an example, certain Muslim countries specifically state, in their constitutions, that any non-divinely-originated law may not be implemented and interpreted, and that those laws and their interpretations must be made by Muslim legal scholars from within the respective countries. Any notion of governance beyond the Islamic Shari'ah interpretation that the state may have goes against the institution and therefore state: countries like Saudi Arabia, Bahrain, Kuwait, Oman, and Yemen, Iran, and Sudan.⁶⁵ Knowing this makes it unlikely that “subject[ing] citizens of an Islamic state to secular international laws, which gives the ICC jurisdictional power...goes directly against the Islamic faith.”⁶⁶ This has been perilously reviewed and confirmed in much more detail by other studies.⁶⁷ Therefore, it cannot be said that the ICC incorporates all forms of law, and inherently assumes that its laws and punishments are standardized and true and apply to all. It cannot guarantee a completely understandable and objective analysis, or deal with the fact that some forms of law rejecting others' interpretations implies that any imposition on it would be as such.

The third point that Ralph makes was refuted by Jürgen Habermas⁶⁸ as a refutation to Carl Schmitt's claim that liberal humanitarians would eventually treat their illiberal opponents in the same inhumane manner the same illiberal treated others. This particular point does not have anything to do with the question of moral legitimacy at hand; the question of the morality of global governance is a matter of principle, *viz.* whether or not the ICC and related organizations are operating in a principally imperialistic manner.

All in all, even the liberal attempt to shift the focus from the ICC being a ‘western’ imposition, towards being a western-originated and more globally-accept imposition, does not change the fact that the internationalist position takes a moral high-ground. The scholarly communitarian discourse criticizing this moral high-ground has failed to make a comprehensive defence of their criticism of morality, due to the fact that they believe morality is ultimately too subjective to be objective. They are caught up into a debate on whether or not institutions like the ICC are as diverse and open-minded as they say they are, instead of recognizing the larger picture. The picture being that it does not matter whether or not such institutions are western or global—it is still an imposition implying moral superiority.

6 Conclusion

In our brief overview of the several stances on global governance, there are a few definitive points that can be made. Firstly, we reviewed the one-sided, subjective understandings of global governance proposed by Kant, that Rawls has taken inspiration from. Those who advocate for measures for global governments from a Rawlsian perspective imply a worldview from a Eurocentric outlook, and an explicit ranking of “good” and “bad” societies based on this outlook. Secondly, in review of legal, rather than moral responses in favour of legal governance, we responded with both a legal and logical argument disproving moral validity of the theories backed by discourse ethics. Finally, we reviewed certain scholars' attempts to demonstrate how

the ICC, in particular, was not a case of unilateral, imposed intervention, but a case of collective reasoning and agreements—the typical liberal cosmopolitan apologetic line of argumentation.

The reply to the final point, and the point of this article, was to say that in a world with so much cultural, religious, and ethnic diversity, interpretive understandings, and moral views of governments' obligations and views on their jurisdiction, that any attempt to impose any sort of imperative, is morally, and legally not justified. It is not legally justified as it is not morally justified. In such a case, then, any form of non-consenting, multi or uni-lateral action, intervention, or attempt to impose governance on others, necessarily implies an amorally justified action, whether it is the ICC, international enforcement of the UDHR (or related documents), or unilateral intervention. Finally, the point should be made that this article hopes not to provide for a basis of extreme pessimism, nihilism, or opposition to the creation of a standard. It simply dismisses the notion of the possibility to create a global legal tradition *based on a world where there are no set standards*. Unless it is possible to develop a model of justice that can claim absolute truth—which is impossible to assert—,⁶⁹ justice in the eyes of one can be oppression and suppression in the eyes of another.

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Notes

¹ Christine Sypnowich, "Cosmpolitans, comspolitanism, and human flourishing," in *The Political Philosophy of Cosmopolitanism*, edited by Gillian Brock and Harry Brighouse (Cambridge: Cambridge University Press, 2005), 57.

² Immanuel Kant, *Perpetual Peace: A Philosophical Sketch* (Syracuse: Syracuse University Humanities Center, [1795] 2010).

³ Pauline Kleingeld and Eric Brown, "Cosmopolitanism," in *Stanford Encyclopaedia of Philosophy*, edited by Edward N. Zalta (Stanford University, 2002). <http://plato.stanford.edu/entries/cosmopolitanism/>; Ibid.

⁴ Pauline Kleingeld and Eric Brown, "Cosmopolitanism."

⁵ Edward Said, *Orientalism* (London: Penguin Books, 2006), 119.

⁶ Kant, *Perpetual Peace*, 21.

⁷ Ibid., 13.

⁸ Ibid., 15.

⁹ Jurgen Habermas, "Kant's Idea of Perpetual Peace, with the Benefit of Two Hundred Years' Hindsight," in *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal*, edited by James Bohman and Matthias Lutz-Bachmann (Cambridge: The MIT Press, 1997), 117.

¹⁰ John Rawls, *The Law of Peoples: With the Idea of Public Reason Revisited* (Cambridge, MA: Harvard University Press, 2001).

¹¹ For Rawls, "decent" refers to states that are able to live up to fundamental human rights and moral expectations but are not liberal democratic countries.

¹² Ibid., 60-64.

¹³ Ibid., 96.

¹⁴ Ibid., §15.

¹⁵ John Hobson, *The Eurocentric Conception of World Politics: Western International Theory*, 1760-2010 (Cambridge: Cambridge University Press, 2012), 286-306.

¹⁶ Whereas Kant rejected the notion, he ranked the ‘civility’ of societies. Rawls takes it further by declaring there to be a moral responsibility to ‘help’ ‘burdened societies’ that have not yet been civilized.

¹⁷ Rawls, *The Law of Peoples*, §11.

¹⁸ Economists Zatzman and Islam (2007, 116) criticized those unable to view things from an ultimate, ‘god’s-eye-view’ perspective from a statistical-trend-based point of view. For Rawls, his lack of questioning the notion of morality, or at least the possible effects of not doing so, is subjective and lacks general, non-myopic outlook.

¹⁹ Sanja Ivic, “Rawls’s Law of Moral Peoples,” *Journal of Humanities and Social Sciences* 1 (2007): 5.

²⁰ John Skorupski, “Human Rights,” in *The Philosophy of International Law*, edited by John Tasioulas and Samantha Besson (Oxford: Oxford University Press, 2010): 370.

²¹ Ibid., 373.

²² In the latter section, we look at uninterpretability and bias amongst western standards themselves, shedding further light on the notion of “western” standards themselves.

²³ Abdullahi Ahmed An-Na’im, *Islam and the Secular State: Renegotiating the Future of Shari’ā* (Cambridge: Harvard University Press, 2008), 19.

²⁴ Martha Nussbaum, “Kant and Cosmopolitanism,” in *Perpetual Peace: Essays on Kant’s Cosmopolitan Ideal*, edited by James Bohman and Matthias Lutz-Bachmann (Cambridge: The MIT Press, 1997): 25.

²⁵ Alasdair MacIntyre, *After Virtue: a Study in Moral Theory*, 3rd ed (Notre Dame: University of Notre Dame Press, 2007), ch. 5.

²⁶ If we debate the intentions of the recent universalistic phenomena and even the scholars propelling the notion, we fall into the trap of debating whether or not Kant or his contemporaries, for instance, were a product of limitation and what not.

²⁷ Sundhya Pahuja, *Decolonising International Law. Development, Economic Growth and the Politics of Universality* (Cambridge: Cambridge University Press, 2011).

²⁸ Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: MIT Press, 1990), 55

²⁹ Ibid., 197.

³⁰ Ibid., 137.

³¹ Ibid., 131.

³² Patrick Hayden, “Cosmopolitanism and the Need for Transnational Criminal Justice: The Case of the International Criminal Court,” *Theoria: A Journal of Social and Political Theory* 104 (2004): 69-95.

³³ Jürgen Habermas, “Interpreting the Fall of a Monument,” *Constellations* 10 (2003): 364 -370.

³⁴ Lasse Thomassen, *Deconstructing Habermas* (London: Routledge, 2012), 38.

³⁵ Marc Brasof, *Student Voice and School Governance: Distributing Leadership to Youth and Adults* (London: Routledge, 2015), 89.

³⁶ MR Islam, Jaan Islam, GM Zatzman, *The Greening of Pharmaceutical Engineering, Volume 2, Theories and Solutions* (New York: Wiley—Scrivener, 2016). Specifically, if something is true, it cannot no-longer be true. Even if a physical substance, for instance, may change, but the fact that it was something at that time cannot change. But even if it can be argued rights are time-dependent, it does not change the fact that this is the belief of an individual who does not hold superior moral grounds over someone who believes rights exist through time and space

³⁷ David Littman, "Human Rights in Islam," *Midstream* February/March (1999), quotes Said Rajaie-Khorassan's statement, the Iranian representative to the United Nations: "The Universal Declaration of Human Rights, which represented a secular understanding of the Judeo-Christian tradition, could not be implemented by Muslims and did not accord with the system of values recognized by the Islamic Republic of Iran; his country would therefore not hesitate to violate its provisions, since it had to choose between violating the divine law of the country and violating secular conventions."

³⁸ Habermas, “Kant’s Idea of Perpetual Peace, with the Benefit of Two Hundred Years’ Hindsight,” 123.

³⁹ Ibid., 125.

⁴⁰ Ibid., 137.

⁴¹ Ibid., 129.

⁴² Ibid., 131.

⁴³ Patrick Hayden, “Cosmopolitanism and the Need for Transnational Criminal Justice: The Case of the International Criminal Court,” *Theoria: A Journal of Social and Political Theory* 104 (2004): 69-95.

⁴⁴ Jürgen Habermas, “Interpreting the Fall of a Monument,” *Constellations* 10 (2003): 364 -370.

⁴⁵ Even scholars such as Christopher Wall, who are staunch advocates against unilateral intervention and American hegemony, (cited above) support multilateral interventional arrangements.

⁴⁶ Christopher Wall, “Human Rights and Economic Sanctions: The New Imperialism,” *Fordham International Law Journal* 22 (1998): 579.

⁴⁷ Habermas admitted to the lack of an army on behalf of the UN (Habermas 1997, 127).

⁴⁸ Ibid., 581-582.

⁴⁹ Ibid., 583-588.

⁵⁰ Ibid., 588-589.

⁵¹ Ibid., 590: India’s culture and human rights’ interpretive frameworks are vastly different from that found elsewhere in the world—a major problem with “international” as opposed to national or communal law is the ability to fully understand and realize the circumstances of each particular case.

⁵² Marc Brasof, *Student Voice and School Governance: Distributing Leadership to Youth and Adults* (London: Routledge, 2015), 89.

⁵³ Dapo Akande, “The Jurisdiction of the International Criminal Court over Nationals of Non-Parties: Legal Basis and Limits,” *Journal of International Criminal Justice* 1 (2003): 620.

⁵⁴ International Criminal Court, “Understanding the International Criminal Court.” ICC (n.d), <https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf>, 4.

⁵⁵ Lee A Casey and David B. Rivkin, Jr, “The Limits of Legitimacy: The Rome Statute’s Unlawful Application to Non-State Parties,” *Virginia Journal of International Law* 44 (2003): 72.

⁵⁶ Ibid., 64.

⁵⁷ Ibid., 73.

⁵⁸ Littman (1999) quotes Said Rajaie-Khorassan’s statement, the Iranian representative to the United Nations: “The Universal Declaration of Human Rights, which represented a secular understanding of the Judeo-Christian tradition, could not be implemented by Muslims and did not accord with the system of values recognized by the Islamic Republic of Iran; his country would therefore not hesitate to violate its provisions, since it had to choose between violating the divine law of the country and violating secular conventions.”

⁵⁹ Jason Ralph, “Which Cosmopolitanism? Whose Empire? Or Why the Schmittian Charge of ‘Liberal Imperialism’ is Only Half Right,” *Global Society* 23 (2009): 216.

⁶⁰ Ibid., 217-220.

⁶¹ Ugumanim Bassey Obo and Dickson Ekpe, “Africa and the international criminal court: A case of imperialism by another name,” *International Journal of Development and Sustainability* 3 (2014): 2025-2036.

⁶² Ibid., 2034. They are sure not to forget that the ICC itself, as an institution, has been controlled/highly influenced by western traditions, some of which Africans under colonialism reject—those that involve more local and cultural traditions that people wanted to reemphasize in a post-colonial world. This is precisely the lack of outlook An-Na’im has; who seems to be suggesting that because certain western institutions and traditions stayed with the countries in the post-colonial period, that they are only restricted to taking the west as a standard.

⁶³ Abdulqawi Yusuf, “Diversity of Legal Traditions and International Law: Keynote Address,” *Cambridge Journal of International and Comparative Law* 2 (2013): 703.

⁶⁴ Ibid., 699.

⁶⁵ Emilia Justyna Powell and Sara McLaughlin Mitchell, “The Creation and Expansion of the International Criminal Court: A Legal Explanation,” in *The Midwest Political Science Association Conference*, Chicago, April 3-6 2008, 15.

⁶⁶ *Ibid.*, 16.

⁶⁷ Jaan Islam, *True Islam, Jihad, and Terrorism: a Discussion on Political Islam* (New York City: Nova Publishers, forthcoming), ch. 3.

⁶⁸ Habermas, “Kant’s Idea of Perpetual Peace, with the Benefit of Two Hundred Years’ Hindsight,” 128-131.

⁶⁹ Impossible, given the fact that—at least in western political theory—there has been no such claim.

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A Communitarian Alternative Solution to the Pension Crisis

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ABSTRACT

This paper evaluates the economic effects of a politically communitarian model of family ties towards the pension crisis in developing countries. The use of a Canadian - an individualist-oriented political economic pension system - is compared to a religiously and culturally communitarian form of family care in Bangladesh, a country slowly feeling the effects of the pension crisis. The analysis concludes, based on theoretical and economic evidence, that it is not in the social or economic interest of Bangladesh or similar countries to use the same policies currently being deployed by Canada and most other OECD countries. This paper is the first of its kind to apply socioeconomic costs and benefits of developed countries' policies and apply them to the context of a developing country—keeping in mind the cultural aspect and its implications. It aims at bringing back original ethical and moral values with a social orientation that should inspire all stakeholders to ensure family self-regulation that converge toward a solid foundation of communitarian principles.

Keywords: Pension crisis, Cultural economics, family ties, communitarianism

1 Introduction

THE INDIVIDUALISTIC, LIBERAL MODEL of family ties in the modern, urbanized globalized world represent a global shift in the modern human demographic. Especially in the west, people are ridding of economic obligations and other important family ties in exchange for an urban, individualistic, nuclear family-oriented lifestyle. This is slowly becoming the case in developing capitalist economies, like in Bangladesh, where ageing, low fertility rates, and urbanization are starting to shift the current “extended” family model into an individualist, nuclear family model. This paper analysis the effects of an economic

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approach to the individualist-communitarian, often subbed a political ‘left-right’ divide, specifically in terms of how countries are expected to deal with the pension crisis.

The current individualistic model applied in all developed countries require high levels of government interference and regulation of corporations so as to give out both public and private compensation to the retired population. On the other hand, most developing and least developed countries have very low corporate regulation, little-to-no pension, and many have no public salary compensation — most certainly, it is the younger, working generation of the family that physically and economically cared for the older generation, the cycle of human nature, at least until now. The Bangladeshi government, for example, accepted the rise in urbanization and associated lack of family ties as a *fait accompli* in the sense that they built their current policies around the assumption that these will not change, and that, therefore, there must be more corporate regulation and public offering of pensions to care for the no-longer supported older, non-working generation.

This represents a major problem, as it signals to the fact that countries like Bangladesh will face the same problems - the pension crisis - that developed countries face today. That problem refers to the eventual inability to support a growing non-working, retired population at the hands of ageing and low fertility rates. This is economically unsustainable and cannot go on forever. Kohout summarizes this dilemma:

“...perhaps we will just return to the patterns of Bismarck's Germany in the 1880s, when the retirement age was 70 years while average life expectancy was less than 50 years. If by the year 2050, for instance, the official retirement age is raised to 90 and the average life expectancy remains around 80, then the pay-as-you-go [pension] system could be sustainable in the long term. But adequate social security at age 60 will be completely out of the question for those who are now children. In other words, it effectively means the almost complete demise of pay-as-you-go” (Kohout 2005, p. 736).

The goal of this paper is to first develop the conception that developed economies are starting to face the effects of the pension crisis, and secondly, to evaluate what a country that still has time to choose another course - Bangladesh - should do to avoid these negative effects that developed economies are facing.

Culturally, Bangladesh and Canada are almost at the opposite side of the social spectrum. Of relevance is the oriental culture that assigns a different value to ageing. Ageism is not a concern (or at least previously). Elderly members of the society are not put in nursing home or assisted care locations. In fact, many in Bangladesh cherish the notion of aging gracefully and elderly people look forward to an opportunity to attain that social status, as M.A. Islam, former President and Vice Chancellor of Shahjalal University of Science and Technology notes (M A Islam 2015, personal communication, 11 October). This is true for both Muslim (80%) and Hindu and others (20%), making it a cultural issue rather than a religious issue. Nesa et al. (2013) describe how urbanization in the recent era has changed the situation of the honourable status of the elderly,

who were cared for by the family and respected, to a disrespected one, owing to cultural individualistic changes. This has negative psychological and psychical effects on the Bangladeshi elderly population.

These demographic facts give us an idea of the global socio-economic status of these two countries and serve as a backdrop for the pension analysis that follows. These facts are necessary to understand the reason why certain social policies, particularly public and corporation pensions, differ between the two countries.

2 Public and Private Pension Programs in Canada and Bangladesh

This section is dedicated to understanding the bare basics of the pension plans/elderly sources of income. It is relevant to understanding the differences (current and historical) that separate the countries, serving as a backdrop to understanding the cultural analysis and positive/negative effects of the plans on the population.

2.1 Canada's public and private pension plans

Canada has had a long history of pensions. The first pension system, at a national public level, was introduced in 1908 in the form of a Government Annuities plan. This, however, wasn't enough and the old age pensions act in 1927 had to be introduced in order to activate a government-funded, national pension system for all elderly Canadians. The first glimpse of pensions in the private sector can be found in the 20th century, where railroad sectors and certain employees in banks were provided with pensions. Public servants were given pensions before the 20th century (National Union of Public and General Employees, 2008).

Today, there are two main components of tier one (government provided) pension plans in Canada. The CPP/QPP (Canada/Quebec Pension Plan) is a forced-savings plan, collected by employees and employers equally. The OAS-GIS (Old age security, Guaranteed Income Supplement) is a publicly provided monthly provision to all Canadians over the age of 65 who lived in Canada a certain period of time. The full OAS requires that one be 65 or older, a Canadian citizen or legal resident at the time the application is approved, and had lived in Canada for at least 10 years after turning 18. For those living outside of Canada, they must have been Canadian/legal resident at the time of leaving Canada, and have lived in Canada for 20 years after turning 18 (Service Canada 2015a, p. 1).

The CPP is a forced savings plan, requiring all Canadians over the age of 18 to pay a portion of their earnings into the CPP. The employee contributes from 4.95% of his/her income, which is matched by the employer (Service Canada, 2015b). Self-employed people pay both halves (9.9% of income). The monthly payment depends on the age that one takes it out and the amount of contributions made. The maximum monthly CPP benefit a new retiree can receive is \$934.17, \$523.58 being the average (Ontario Ministry of Finance, 2010). The average OAS is around

\$515 (Jackson, 2012). Finally, the RRSPs (Registered Retirement Savings Plans) are optional plans. They provide people with the option to contribute a larger percentage of their income to a retirement plan. Employees can choose to add extra income to their RRSP, which is often matched by the employer. This type of plan is a defined contributions plan; the employer and employee agree to an amount of contribution from a salary given to an RRSP, which is later paid monthly to the employee. These types of pension plans are gaining traction over the traditional defined benefits (DB) pensions in which the employee will generally agree that after the employee works for the company for a certain length of time, they get a percentage of their last few years' income for the rest of their lives after they retire. It's important to note that RRSPs and other defined contribution pensions give choice to the employee on investments, whereas CPPs are managed by a crown corporation (basically the government), namely, the Canada Pension Plan Investment Board (CPPIB). Figure 1 shows that people in the two lowest tiers depend heavily on the OAS, the CPP and OAS and Pensions are more evenly distributed in the third tier. The fourth tier benefits from all, but the biggest portion is pensions. The highest tier depends heavily on pensions as they have more investments and personal earnings than others (higher percentage).

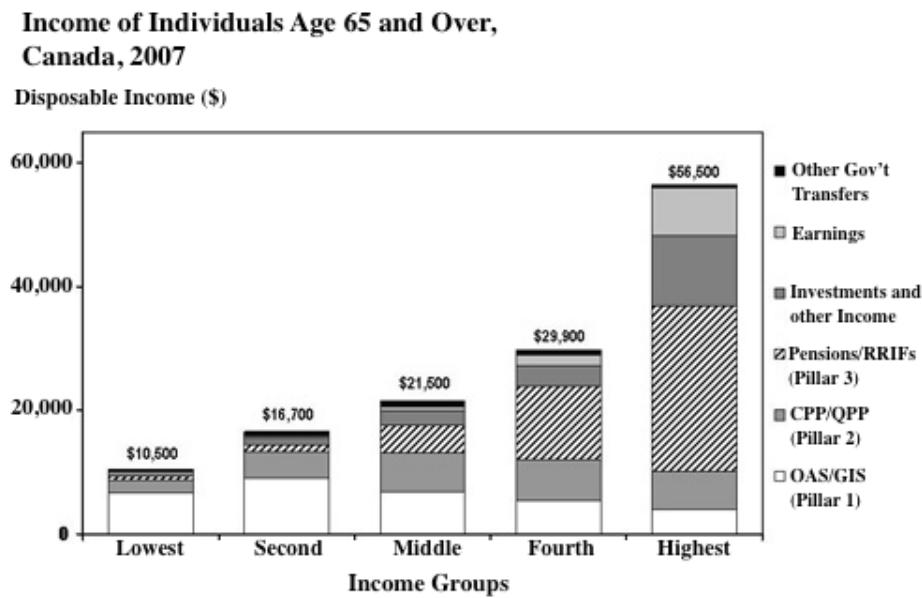


Figure 1. This figure, published with permission from the Ontario Ministry of Finance (2010), shows the annual disposable incomes of individuals in different income tiers, and the different income sources that make up the whole. As we can see, there is a trend of government aid decreasing and private income increasing with an increase in income tiers.

When it comes to general trends, we know that today, around 37% of the Canadian workforce is covered by a registered pension plan (which we assume are reasonable pensions). However, this rate has been decreasing over time (Statistics Canada, 2005). We also see that the public sector has significantly more DB plans (94%) that are also indexed for inflation (Office of the Superintendent of Financial Institution, 2014), whereas this is not guaranteed for the private sector. The private sector has, however, taken on the prospect of DC (defined contribution) plans, which have increased over time in the public sector (Statistics Canada, 2010). This switch can be explained by a number of incentives for the employer. For instance, the employer doesn't have to handle pensions and doesn't have to be held responsible for losses or bad investment, if the corporation goes bankrupt.

These three forms of savings for retirement are termed the “three pillars”: CPP, OAS, and registered pensions and accounts (Service Canada, 2015, P. 1). The implications of all of these plans combined are clear. Nearly every worker is provided with some sort of compensation after they retire, even if they did not save throughout their lifetime. Additionally, there are a lot of incentives (tax and from the employer-matching program) to put money one makes into a private retirement fund. The government of Canada has issued a report on pension-retirement information (Ontario Ministry of Finance, 2010). Figure 1 looks at the different sources of income people of different income tiers have when they retire.

Clearly, we have gone through a lot of progress since the early 1900s. Canada has nearly 100 years of public-pension history. There are, of course, many problems Canada is facing regarding generally public pension coverage. These problems will be addressed in latter sections.

2.2 Bangladesh's public and private pension plans

The pension system in Bangladesh is much newer than that of the Canadian system, and in the formative stage. It is influenced by cultural and economic factors. The US Office of Retirement and Disability Policy tells us that in Bangladesh, the first (and current) law imposing a social assistance system for the elderly, disabled, and survivors was established in 1998 (Social Security Administration [US], 2010). However, it was only for low-income citizens. Public servants have been receiving pension since 1974 (a few years after Bangladesh gained independence from Pakistan that was under British rule until 1947) (Public Servants (retirement) Act 1974). This pension plan did not include disability and survivor pension. Surprisingly, they only provided a payment of TK 300 quarterly, today (inflation did not change it significantly), it is equivalent to about 5 CAD. This was not clearly enough in 1998 (the USD-BDT exchange rate in 1998 was 45, this means that 300 BDT was worth around \$6.66 USD. That's \$2.22 dollars per month) to survive or significantly change a person's economic status in Bangladesh. At the same time, public servants were receiving 60% of their salary as pension (Aminuzzaman 2005, p. 10).

Very recently there has been a new program, named the National Social Security Strategy (NSSS), which has been approved by parliament and is expected to be implemented in 2016. Government reports first acknowledge the need for reformed social support due to the fact that

“traditional systems of support” for the elderly are breaking down, and that there is a need for reform. This is fuelled by the fact that there is an ageing population that needs to be dealt with effectively in order tackle the poverty indicator that looms. Bangladesh government proposed a reformed pension plan, in which the poorest of the elderly will be given income security. It expects to transfer in 2016/2017 with 100% implementation rate of 50% of the elderly population, TK 800 for people over 65, TK 3000 for those who live past 90. The pensions are indexed (Bangladesh Government 2015, p. 86). The government also proposed disability and child disability benefits. In preparation for the projected increase in elderly population, a national social insurance scheme, in which employers and employees contribute to a national social insurance fund, is envisioned. This will provide pensions for the elderly and make funds available to the disabled, expectant mothers, etc. Unfortunately, there is no solid proposal to make pension mandatory for the private sector. Regarding the disabled, the program, as depicted in Figure 2, is proposed (Bangladesh Government 2015, p. 73). Over a lifetime, there are programs to keep disabled people with ‘minimum’ income, without specifying what that ‘minimum’ stands for.



Figure 2. This figure shows the various proposed social security programs for people with disabilities, this includes a retirement pension on top of the “Citizens Pension” which applies to every citizen of age, as does the Old Age Pension for certain private sector workers (Modified from Bangladesh Government, 2015).

Bangladesh has remained passive on the issue of social benefits for a long time. Only in 2015 that we are starting to see an initiative to provide more benefits to elderly citizens. Although this is an improvement, it is important to note that TK 800 per month is not sufficient for the living costs of anybody in Bangladesh. According to the government (Moazzam and Raz, 2013), a

three-person household would need \$67/month to sustain a reasonable diet (excluding rent). That is about TK 4824 per month. The minimum wage in Bangladesh is only TK 2957 (\$38), as noted by Salam and McLean (2014), whereas, “the living cost in Bangladesh is much higher than that” (p. 1). At the outset, it would appear as though there is dire requirement for improvement. However, there is a very impotent cultural factor in Bangladesh that is missing in Canada. As Figure 3 shows, there are more people expecting to live off retirement through winning the lottery than do receiving financial aid from their children.

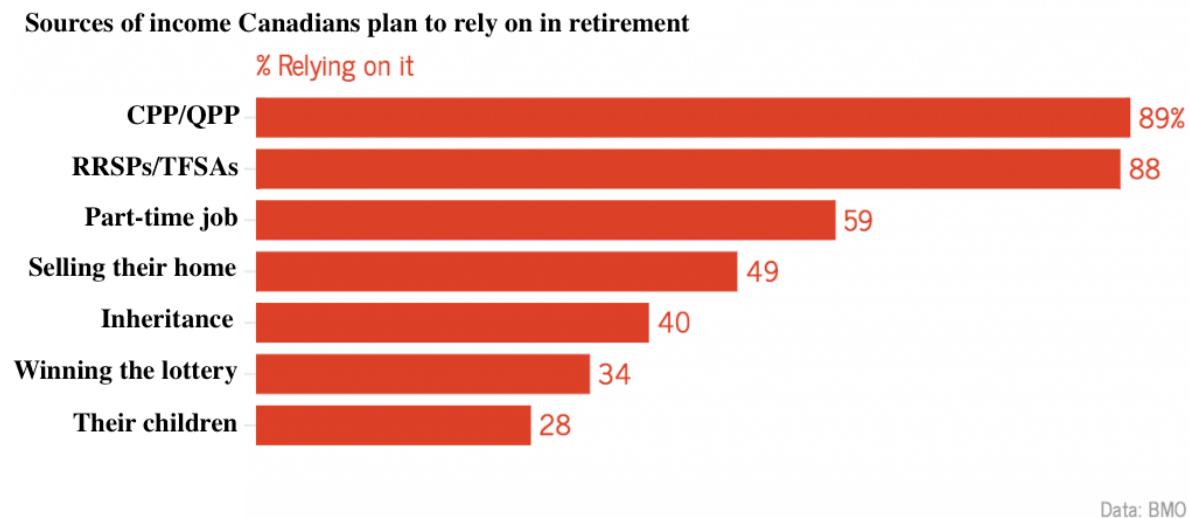


Figure 3. This figure depicts the results of a poll by the BMO (Scott 2014). The results find that more people are expecting to retire by winning the lottery (34%) than relying on children (28%) (Reprinted with permission from Scott 2014).

Comparisons and Discussion of Future Trends

This section focuses on direct comparison between the pensions systems of Canada and Bangladesh, and explains the differences between the two. It also discusses future trends and potential problems and challenges, along with potential remedies being proposed in respective countries.

Perhaps the largest difference between the two systems is the simple fact that Canada has a real, organized, and helpful pension system that is available for all Canadians that have worked in Canada. Additionally, they are given the option throughout their lifespans to invest in saving plans, designed specifically for retirement. As can be seen in Figure 1, if one were to remove all personal savings and investments, the private and public pension plans are still able to keep the top three tiers of income earners above the 2012 LICO (Low income cut off): \$16,279 in rural to \$23,647 in large cities for one person (Statistics Canada, 2013). Theoretically, when retirees are

couples and both earning pension and living in the same household, the LICO is only \$25,582, which all tiers of income are above the LICO ($\$10500*2 > \20500). Only 5.3 percent of seniors are under the low-income cutoff in 2014, as noted by Bazel and Mintz (2014). This is not to say that the elderly in Canada are free from poverty. In fact, there are several factors we must look at when analyzing the actual poverty rate. As expected with single-living seniors (who have double the chance of being income inadequate), Bazel and Mintz (2014) propose that single-living seniors be the target of income-adequacy policies (P. 11-12). Although workforce participation is increasing overall, the increasing divorce rate and increased childless couple complicate matters. Milligan (2008) analyzes the development of elderly poverty in Canada. There has been a sharp reduction in elderly poverty since income was expanded for the elderly. An interesting finding was that since the 80s, people leading up to the age of 65 had much less income (a “sharp spike”) but similar consumption. This may be due to family charity or government transfers, but remains a mystery as relevant data are not available or are incomplete.

Perhaps the more ethically saddening fact about older Canadians is that the poorer population is suffering the worst in terms of health conditions. It has been reported that in rural areas, seniors face higher housing costs, and significantly higher healthcare, drug-related costs (Bacsu et al., 2012, p. 83). Tang et al (2014) cited a study that found that 20.4% of LICO respondents said that costs related to drug non-adherence were an issue. A comprehensive study by Lehnert et al. (2011) sums up the point being made. They conducted a review of 35 studies investigating the relationship between multiple chronic conditions (MCCs), and health care utilization and cost outcomes. The cost of medication for medical conditions were associated with high drug costs, and for the ones who could not afford medical expenses, they were at risk for insufficient care (which includes necessary drugs and medical services). The bottom line is, poorer seniors, especially ones that require drugs, are having a difficult time dealing with finances, making them the most vulnerable at an old age. In summary, although most retirees are above the LICO, there are many sufferings amongst the older population that are not measurable in the form of economical indices. Bazel and Mintz (2014) suggest several policy actions, such as increasing overall GIS payments for single seniors, and expanding coverage of pension plan survivor rates (p. 11-13). Regarding other negative effects, Islam, Islam, and Zatzman (In press) make the conclusion - based on a review of clinical trials - that there is a negative correlation between mental health problems and family/social support. There are less incidents of mental illnesses, such as, dementia and slower neurocognitive function degeneration when people are cared for by family and/or are supported socially otherwise. It should be noted that these negative effects can soon be expected to occur in Bangladesh, provided that sufficient cultural changes occur. Therefore, these negative effects are a consideration when examining future policy actions of Bangladesh.

In terms of health and quality of life, there is a different paradigm in the west than the east. This aspect will be discussed in latter section, but here it suffices to say that older generation suffer from a number of negative aspects of aging in the west that are insignificant in the east. One of them is ageism. As Iversen et al. (2009) defined ageism as “prejudice by one age group toward other age groups” (p. 6). While the psychological consequences of ageism is beyond the scope of

this paper, we can cite some of the tangible phenomena that are rooted in ageism. For instance, Islam et al. (2015, p. 104) noted that suicide rate in USA is the second most prevalent among the age group of 85 and older. In Canada, the statistical data on suicide among elderly population is also alarming. Statistics Canada (2013a) reports over 500 suicides per year in 2011 among 65 and older. Also noted is that the suicide rate is steadily increasing during recent years. This doesn't reflect well on the emotional health of the nation. Islam et al. (2015) rebuked the government and the social elites in no uncertain terms, "A society that takes pride in decreasing mortality rate and increasing longevity must take responsibility for the elderly that don't care to live longer." (p. 104)

There is a sharp contrast between Bangladesh and Canada with respect to pension-reliance. Miyan (2005) analyzes public and private pensions in Bangladesh. We are informed that pensions for public servants have been around since 1974, which provide more than enough to reasonably sustain a person or a couple. The public sector employees are doing very well, as is the case in the majority of developing countries. The real issue that addresses the vast majority of working people in Bangladesh is the issue of private pensions. The vast majority, working for the agriculture and environment sectors, is entitled to no pension (Miyan, 2005, p.1). The agricultural sector has around 20 million labourers that make up around 50% of employees in Bangladesh, with around 40% of GDP that relies on this sector. The industry sector makes up another 48% of Bangladesh's employees, 19 million labourers, and contributes to 26% of Bangladesh's GDP and has an impressive growth rate (9%, better than the 5.8% of the country) (p. 19). None receive any pension. These sectors make up around 98% of the private employment in Bangladesh. It is possible that some employees receive some sort of "gratuity", even though data on that are scarce. They receive the minuscule TK 100 per month (changing to TK 800 soon), in exchange of which they would be barred from receiving other government benefits or even international relief (Miyan 2005, p. 25). One would rationally ask, how do they people live? Well, the same way Canada and other countries operated before the introduction of pensions, when a person got old and could no longer work, they fell back onto the family. This is how the cultural aspect plays in. The family structure is strong and ready to continue the traditional practice of taking care of the elderly, sharing houses, etc. Today in Canada, more people expect to win the lottery than expect that their children will take care of them (Figure 3), the lifestyles are obviously very different. What needs to be considered is the fact that Canada has travelled away from that lifestyle some 100 years ago whereas Bangladesh is just beginning to travel the same path. This is the time to assess if the pathway is facing the correct direction. If not, Bangladesh might very well regret taking the same path as Canada without considering long-term implications. This aspect is almost never considered in classical economic considerations. In their book, titled: *Economics of Intangibles*, Zatzman and Islam (2007) considered historical background of LDC countries and demonstrated that in absence of inclusion of all salient features, including cultural, religious, political, economic analyses are often skewed in favor of dominating political authorities, both in national and international levels. This skewed picture, however, implodes as time factor is considered (p. 353). Figure 4 shows how data collected on economic development on LDC countries can be "linearized". For instance, as graphs 'b', 'c' and 'd' illustrate in Figure 4, by "slicing" this view of the overall data

trend from the Knowledge dimension so as to *exclude* the actual progression of historical time, one can extract any scenario one wishes about what is happening to social and economic conditions in the weakest and most vulnerable parts of the world, as the noose tightens around the necks of the neo-colonies of this world system (p. 353). Also plotted is the exponential rise in global economic inequality that has reached a level where 1% richest controls nearly 50% of the world wealth (Islam et al., 2015). In this figure various long-term wars are indicated, showing how each war gives a kick start to the global instability, accumulating more wealth for the richest. Each helix identifies as a specific “neo-“ spiral in the order of its historical appearance. The rising and declining trends are arbitrary depending on which trend would benefit the perpetrator of the global economic hegemony.

It is only now, in the 21st century, that Bangladeshis are reacting to a change in culture and other factors. They seem to be moving in the direction of a modern western culture, in which children and family simply do not care or are too busy to care for the retired parents and expect them to live off what they had saved and their pensions. It seems that there is a general shift currently occurring in Bangladesh, the same shift which caused the Canadian government to start a pension plan 100 years ago. In Bangladesh, there are several possible reasons why attitude of the children toward elderly has changed. One factor is the change in culture from unified to a broken-up family, proposed by Miyan (2005), due to urbanization rather than rural structure, and due to migration abroad (p. 12). This factor warrants a revised pension system in the near future. Uddin (2013) analyzed the inter-generational cultural changes in Bangladesh. The major observed cultural change relating to the issue is general disrespect to the elder generation (he terms “moral degradation”), considering their ‘wisdom’ obsolete. This, he says, caused increased vulnerability of the elderly population. Ageism that was not an issue may begin to play a significant role, confounding matters even further.

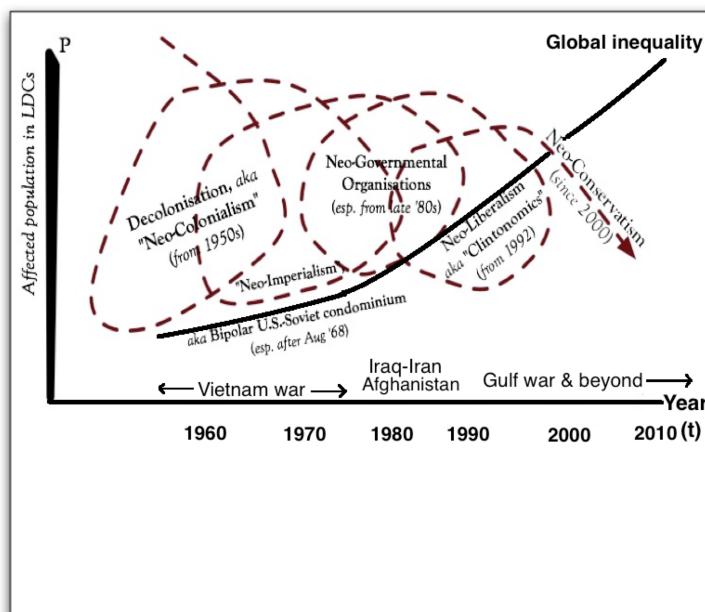


Figure 4. Full historical view of increasingly implosive trend of neo-colonial decay in “developing” countries compared to middle classes’ share of national income in selected LDCs (modified from Zatzman and Islam, 2007).

This section was meant to analyze overall trends of public and private pension systems in Canada and Bangladesh. We discussed several overall observations. We see that Bangladesh is just beginning to shift from a family-based retirement system (in which there is no need for public or private pensions) to tier one and tier two pension plans. Bangladesh is not anywhere close to really solving the problems a matured pension system would have. Corporations are clearly not interested in providing pensions to protect their profits to private pensions (Ahmed and Nathan, 2014 [2]). The government has addressed this issue very recently. However, the old age security-like program of Bangladesh is still minimal and preliminary. Canada, on the other hand, has already transitioned from a unified to separated family structure, and it has a number of schemes planned to provide the elderly with income security. Canada is starting to face problems dealing with public pensions and the ageing population, and possible plans to aid low-income retirees. So far, we have covered the current situation trend of pensions in both countries, general tier one and two pensions in both countries, and their brief histories. Now we will look briefly into the future.

Regarding the ageing population, although it's not necessary to get a full picture of debates and proposed solutions to the pension crisis, it's important to outline the situation and connect that to the future outlook of Bangladesh. Canada has taken some measures, despite their lack of popularity for the elderly population, to attempt to deal with the pension crisis. For instance, Canada is planning to change the full retirement age to 67, which is expected to have many beneficial effects on fiscal policy (Hering & Klassen, 2010). On the other hand, Emery et al. (2013) found that such a change could further reduce food security of low income Canadian seniors two-fold. Stendardi (2005) analyzed the impacts of a phased-out pension plan to counter the large influx of retirees from the baby-boom generation. Based on the economic evidence and logic, it is said that such a plan has the benefits of; a) benefitting the employer, as they can retain experienced workers for a longer period of time; b) benefitting the retiree as they can cope with the economic burden and emotional strain of not working, and; c) benefit the government by putting less of an economic burden on them by the retirees.

A recent report, addressed as information to parliament (Simione & Theckedath, 2012), outlines several plans to counter the pension crisis. Examples include reducing disincentives to work due to government-guaranteed plans like the OAS (p.5), encouraging innovation (p.6-7), and increased training initiatives (to increase economic growth through increasing labour productivity) (p.7-8). Leonard (2007) discusses certain potential solutions, and mentions immigration policy as being key to counter the ageing population. In this plan, immigrants, coming from a young demographic will be able to work and counter the slow economic growth produced by an ageing population. There is a lot of debate and details need to be sorted out. However, what is clear is that Canada is just starting to address the concerns of an ageing

population. Solid action such as increasing the retirement age was proposed to be in plan by April, 2023. In contrast, it is possible that Bangladesh will have to start dealing with these problems soon, as they are also experiencing an ageing population, and a possible shift in culture. Although the effect of these factors in the future are not determinable, it is interesting to see how Bangladesh will start to react to an ageing population, given that several proposed solutions and implementations will exist at that time (executed by developed countries that would have dealt with the problem before they did).

4 Parental Care Act and Moral and Ethical Consequences

This section discusses the important legal origins of family care based on communitarian values. It is important to understand that family care *can* be a reasonable and legally enforced law.

Only recently, Bangladesh enacted the Parent's Care Act, 2013 (International Labour Organization 2013). That makes it mandatory for the adult children to provide for their elderly parents in need of financial support. According to the law, the children will have to take necessary steps to look after their parents and provide them with food and shelter. Each of the children will be required to pay 10% of their total income regularly to their parents if they do not live with their parents. In addition, children are required to meet their parents regularly if they live in separate residences. Furthermore, under no circumstances are children allowed to send their parents in old homes beyond their wishes. The law also allows aggrieved parents to file cases against their children if they decline to support them. A first class magistrate court will settle issues related to the violation of the law. For reconciliation of any issues, local government representatives such as chairmen, members and others authorized by them will settle the disputes. The law has the provision of TK 200,000 (approximately \$2200 US) as a fine and, in default, a six month-long jail term for violation of the law. Any spouse or relative, including the in-laws, will be considered as offenders and will be punished if they are proved to be guilty of having objected to such support.

This act emulates a previously enacted Indian Act that had been in place since 2007 (Hyder 2015) that itself is an emulation of Singapore law, enacted in 1995 (Lee, 1995), to compensate for the aging population that was facing significant financial burden on the society. Interestingly, the Singapore law was modelled based on U.S. filial support laws that had been largely in disuse (Britton, 1990; Lee, 1995). The U.S. filial support law stipulates that individuals can be held financially responsible for aged, poor relatives that are unable to maintain a reasonable standard of living. As pointed out by Lee (1995) these laws are still active in twenty-six states at least in the book and have potentially biblical roots [3] based on British Poor Relief Act 1601 that itself was rooted in Reformist version of biblical context [4]. This law was motivated by protecting the public fund against exhaustion due to social welfare. The general principle was to provide for their indigent elderly parents and would read: "[a]ll children shall be responsible for supplying necessary goods and services to their parents when their parents are unable to do so themselves" (Teitelbaum, 1992). These laws, while vary from state to state, all carry the general

conditions, such as 1) if the child was abandoned, he/she cannot be held responsible; 2) the immediate family of a married child is primary responsibility; 3) the child has to be financially able; 4) parents have to be indigent (Lee, 1995). Lee (1995) points out the reason why U.S. filial laws have been in disuse, citing following external and internal factors: a) The Growth of the Welfare State, in which the state administers welfare; b) Industrialization and Modernization that eroded traditional family values; c) Administrative Problems that attach a significant cost of bureaucracy, and; d) Impact on Intrafamily Relationships that make the law undesirable, unproductive, and least effective at a time of greatest need. When Singapore enacted its parents care act, it was motivated by taking advantage of eastern values and moral standards in alleviating the high cost of healthcare of the aged population. Results show that Singapore model indeed succeeded in remedying shortcomings of U.S. filial laws. The discussion of this moral impetus is absent from Indian or Bangladeshi legislation.

The parent's care act of Bangladesh was enacted following India's similar law, enacted in 2007. However, significant discrepancy lingers between the two (Hyder, 2015). For instance, the Indian Act includes adoptive and step-parents under the term 'parents', while only the birth mothers have been recognized as mothers in the Bangladesh Act. It means adoptive and step-mothers are not protected by this law. Interestingly, the law does not make a similar distinction in case of the fathers. The definition of father includes any man who is father to the child, under which provision both adoptive and step fathers can be protected under the Act. Secondly, the Indian Act is explicit about who can make the application in case a violation of the act occurs, that is, the parent or any person or organization authorized by the parent(s). However, the Bangladesh act makes no mention of who can apply, making the position of the indigent parents vulnerable. Thirdly, the Indian Act also stipulates a 90 days time limit from the date of serving the notice in order to dispose of the outstanding amount owing to the parents. In addition, there are other ambiguities regarding what constitutes 'reasonable amount', keeping it arbitrary.

Even though the Bangladeshi legislation doesn't recognize explicitly, the provision of taking care of elderly parents is imbedded in the Quran – the book some 80% of Bangladeshis hold sacred. For instance, some 15 times Qur'an has decreed good behavior towards parents [5]. Similarly, the Hindu minority can also find guidance from their holy book, *Gita* that discusses about parents' devotion to the child as a sum total of financial, emotional, and physical services and must be repaid back fully. The problem in Bangladesh arises from the fact that the urbanization is synonymous with departure from religious values that are inherent to the oriental culture. This departure is evident from government efforts of following western pension plans, among others. However, at the same time invoking fundamentally religious values in terms of Parent's care act and making it a crime not to act according to those values can have little effect in the face of contradictory lifestyle that is glamourized in Bangladesh today. In fact, without proper education and a governmental directive toward comprehensive pension plan with recognized value system, the legislation may backfire.

5 Recommended Policy Action

Based on the reviewed positive and negative effects of retirement arrangements in Canada, there are important considerations to be made when considering the future plan of Bangladesh's pensions and care of the elderly. As noted earlier, Bangladesh has the advantage of analyzing the positive and negative effects of retirement policies in currently developed countries and may base their plans on those observations. So far, it seems that the Government of Bangladesh is slowly following suit with the OECD countries in providing pensions to all seniors in the public and private sectors, as the 2015 recent developments show us. This section is intended to advance the argument that this is not the most favourable path to take. If all intangible factors are considered, it will be shown that the opposite path should be taken – the path that is socially responsible, culturally sensitive, and economically sustainable.

Instead of doing nothing about the “individualistic” cultural change observed with urbanization in Bangladesh, and attempting to cope with it by providing money to the elderly population (which will increase over time), the sensible direction to take could be reversing this change and promoting the cultural values of respect, and mental and physical support for the elderly by younger generation. There are several benefits to taking such a ‘drastic’ and unprecedented policy approach. Firstly, it can reduce the negative psychological effects of retirement and living alone, and even reduce the rate of mental illness and neurocognitive function degeneration. As we noted earlier, there are negative effects of retirement and living without social/family support. Secondly, it will reduce the government’s expenditure [6] and associated regulatory and bureaucratic costs that come with providing public pensions and regulating insurance programs of private companies. Thirdly, it reduces the pressure the government would put on private corporations, and, ideally, would allow for different pressure (perhaps pressure for higher minimum wage) to be applied. There is logically no doubt that being able to prevent such cultural change is beneficial, the problem lies in the application. It is beyond the scope of this paper to analyze different policies and associated costs and benefits, but this paper is crucial in identifying the fact that being able to do such a thing is a better - and likely more feasible - policy, which will aid the economy and wellbeing of the elderly and taxpayers. It is important, however, to discuss an important aspect of economics of intangibles.

Figure 5 shows how following the western model can increase the dependence on the west. This is explained by the fact that every such initiative conflicts with natural traits and time-tested practices of a society.

At the core of classical economics lies the consideration all factors in the shortest possible time frame. This is meant to increase gains in the short-term without regard to the long-term implications [7]. In essence, it means that all decisions are made based on what would make the policy makers look good “right now”. This, in turn, places greed as the driver (Zatzman and Islam, 2007), making the policy making rather a myopic process. Khan and Islam (2007) discussed the implication of taking such myopic view. Figure 6 shows how long-term decisions can result in eventual welfare of the society. Such approach includes adding synergy to the development process through adding to nature traits of the people. The natural trait in

Bangladesh would be the oriental approach of caring for the elderly by the immediate relatives. Opposite results would emerge if this natural system is disturbed.

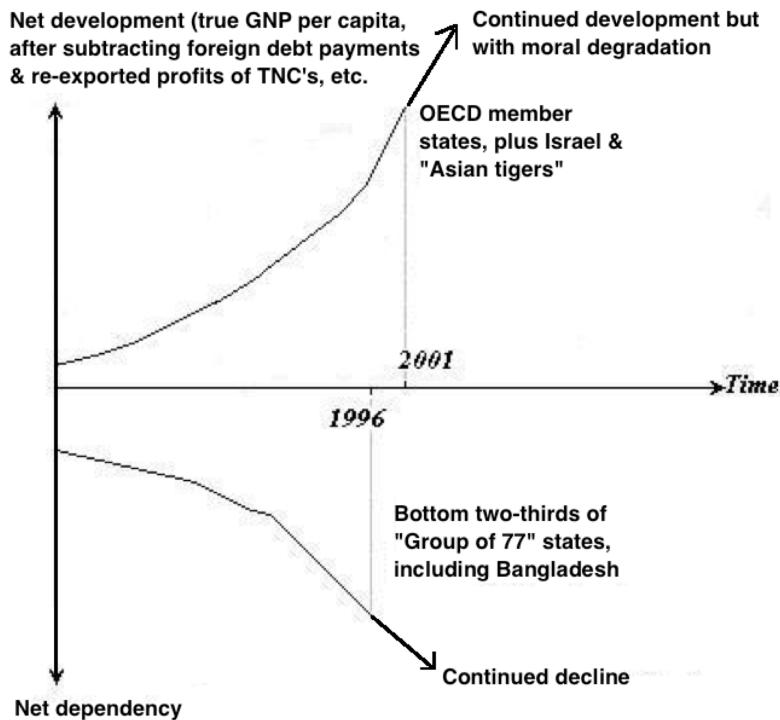


Figure 5: As a result of shortsighted schemes, the poorest 77 countries have fallen further down the dependency trend (modified from Zatzman and Islam 2007).

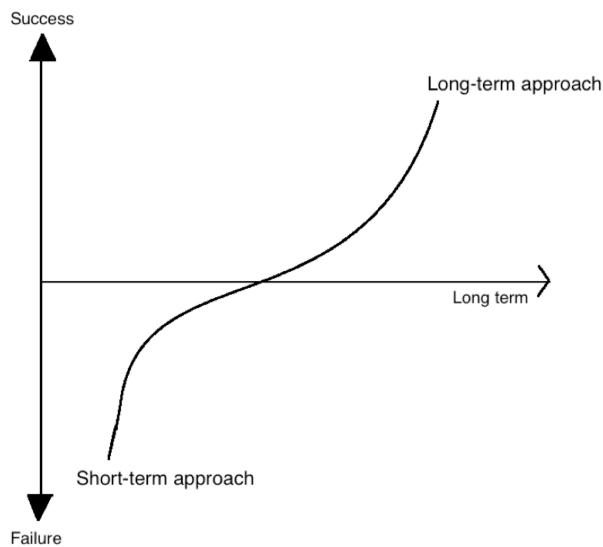


Figure 6: Long-term policy decisions can add to the overall welfare of a nation (modified from Khan and Islam, 2007).

When it comes to caring for the elderly population, cultural aspects become ever so important as happiness takes up a different meaning (Chueng & Chan, 2009). Unfortunately, this cannot be easily calculated or reduced in an index. In fact, it is practically impossible to compare such factors, as happiness between countries. When the happiness index was first introduced in 2005 by London school of Economics, controversies arose as Bangladesh was named the happiest country in the world, far ahead of western countries, such as USA and Canada (Khan and Islam, 2007). Following that original ranking, numerous indices appeared in an apparent effort to quantify 'economics of happiness'.

6 Conclusions

Different types of pension plans in Bangladesh and Canada are critically reviewed. The Canadian government has the so-called "three pillars" of programs in place to assure some kind of income security and encourage retirement saving for Canadians. Tier two pensions have transformed from DB to DC plans. Each of these plans has its positive and negative factors. However, they both essentially, generally get the job done, that is, provide income security. Bangladesh, on the other hand, gives very little old age security to seniors, with the exception of the well-off government servants. The vast majority of Bangladeshi seniors rely heavily on their children for support after they can no longer work. Tier two pensions are nearly non-existent. Canada has problems dealing with low-income earning seniors and others that cannot afford prescription drugs and often suffer more from health conditions as a result. Canada also has to deal with the issue of decreasing workers per retiree (due to an ageing population, summarized below). In addition, public servants of Canada also have better pension plan than others, because of guaranteed indexed pension.

The trend that the pension system in Bangladesh seems to be following the pathway of Canada is worrisome - that is, towards a society that is individualistic and lacking of concrete family ties. Bangladesh is just starting to respond to cultural changes by providing some income security to the elderly population, and by designing what will hopefully be an implemented social insurance policy on private sector employers (although the effect on quality of life is debatable). This is similar to what Canada did nearly a century ago. We cannot say that the path will be the same, or even similar, due to several reasons. Firstly, because Bangladesh has a largely labor-based economy which is under the tight grip of corporations, we cannot say that the vast majority of employers will be willing to provide the kind of pension that provides someone with adequate funds to fully live off of. In fact, it is highly unlikely. Because of this, it is much more likely that such a transformation -- if it is to occur -- will take a much longer time. Secondly, we cannot

estimate the level/impact of the change in culture over time, there could be a series of events causing rapid cultural change leaving the older generation in the dust, or it could simply be an immovable part of society. We simply do not know enough to accurately predict the time-if at all- that such a change will occur.

Regarding the worldwide trend of an ageing population, policy analysts in both Bangladesh and Canada have been discussing it. The biggest implication of an ageing population is that there is a larger non-working population causing an imbalance between workers [8], who are essentially paying a large portion of older people's pensions today. This warrants policy actions on behalf of the government, so the elderly population gains income security in the future. This is certainly the case for Canada. For Bangladesh, this also applies, but in a less direct sense. Despite cultural norms, the population is ageing, meaning that the older generation places a bigger burden on the families and community at large. Modern medicine and a lifestyle that doesn't support Bangladeshi culture contribute negatively to the pension crisis. In addition, changing cultural norms and migration/family-break-up trend are factors that are being considered for a national pension plan, but has yet to be implemented.

The recently enacted Parent's Care Act in Bangladesh emulates that of Singapore from 1990s. This Act somewhat differs from that of India, enacted in 2007. However, without general directive from the government, education and resurgence of indigenous moral/ethical values, legislation of moral values can backfire.

In this paper, numerous potential benefits of implementing a very different policy, namely, attempting to reverse the cultural changes observed with urbanization and industrialization are discussed. This was said to help the economy by putting less pressure on private corporations, prevent an increase in mental health problems of the elderly population, and reduce the burden on taxpayers who would have to pay for the initial government public pension program and additional costs with time.

It seems that the only way to escape the inevitable consequences of having to delay the retirement age to an outrageously high number that corresponds to the life expectancy (80, perhaps), is by encouraging and even enforcing laws that are communitarian and pro-family in nature.

7 Notes

[1] Corruption and pension plans may surprisingly have a correlation; Mobolaji (2012, P. 135) notes that some corruption is driven by insufficient pensions.

[2] Ahmed and Nathan (2014) remind us of Bangladesh's notorious reputation when it comes to labour rights and benefits.

[3] "Honor thy father and thy mother that thy days may be long in the land that the Lord thy God giveth thee"

[4] Exodus 20:12 Matthew 25:32-46

[5] Quran 17:23-24: And your Lord has decreed that you worship none but Him. And that you be dutiful to your parents. If one of them or both of them attain old age in your life, say not to them a word of disrespect, nor shout at them but address them in terms of honour (23); And lower unto them the wing of submission and

humility through mercy, and say: "My Lord! Bestow on them Your Mercy as they did bring me up when I was small."(24)

[6] Estimated to be over \$0.4 Bn US dollars, (BANGLADESH. General Economics Division, p. 86). Note that the current pension arrangement is not nearly sufficient for the elderly population to live off sufficiently; this cost can be expected to increase over time with more cultural change.

[7] The late John Maynard Lord Keynes, one of the most influential economists of the 20th century and the founder of modern macroeconomics, believed that historical time had nothing to do with establishing the truth or falsehood of economic doctrine. "In the long run, we are all dead," he wrote. (Zatzman and Islam, 2007, p. 51)

[8] Canada's workers per retiree rates have been significantly dropping throughout time (Kramer and Li 1997, p. 4). This observation is key to the pension crisis. It is expected by 2030 that there will only be 2.7 workers per retiree in Canada (Canadian Medical Association 2015).

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An Analysis of the Historical Application of Jihad and Implications on the Clash of Civilizations

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ABSTRACT

This paper is a part-review analysis into the modern conception of both the word and *Jihād* and the violent nature of Islam. In order to develop an overarching modern theory of *Jihād*, current opinions and general arguments in the literature are examined. Two theories have emerged in defining Islam and the role of *Jihād* in Islam. The first is that of the so-called Muslim apologists; scholars who define *Jihād* as mainly a personal struggle, and whose physical application (warfare) is only in self-defence of the Islamic community. The second sponsors the concept of ‘offensive’ *Jihād*: that Islam is imperialistic and has a vision of global domination. The stark contrast in the divisions that the scholarship have are indicative of two opposing parties, likely each basing their respective policy positions on beliefs on the nature of Islam as a violent or peaceful ‘religion’.

Keywords: Clash of Civilizations, Jihad, Islam, Religion, Universalism, International Law

1 Introduction and Background

TWO MAJOR EVENTS, the Iranian Revolution and 9/11, have drawn significant attention from scholars towards the nature of Islam. A left-right opinion divide has occurred in the scholarly discourse, and respective terrorism and national security policies have reflected this divide, the divide relating to the theoretically peaceful or violent nature of Islam, and hence, Muslims. This study has the main objective of understanding how and in which ways the modern scholarship have conceived of Islam so as to develop a framework for understanding if, on a theoretical scale, Islam is really ‘just a faith’.

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At the core of today's struggles over US hegemony and New World Order, many of the issues that have become critical arise directly out of the Eurocentrism-Islam divide going back to the time of the Crusades. Everything in the oceans of ideological sewage about the "clash of civilizations" that have spewed everywhere in the wake of the 9/11 attack on the Twin Towers was already said over and over back at the time of the Crusades. Certainly: just because the past may be past can hardly ensure that all the issues raised in the past have died with, and in, the past. Blaming this destruction of a 31-year old pair of skyscrapers on an allegedly Islamic hankering after mediaeval obscurantism and backwardness and hence a fanatical hatred of Western modernity, well-known public intellectuals across the political spectrum, ranging from Christopher Hitchens to Bernard Lewis and Samuel Huntington jumped at the opportunity to declare Islam as the biggest threat to humanity. Political greed also set in. Within days of the terror attack, then Italian prime Minister, Silvio Berlusconi declared,¹ "Consider that the attacks on New York and Washington are attacks not only on the United States but on our civilization, of which we are proud bearers, conscious of the supremacy of our civilization, of its discoveries and inventions, which have brought us democratic institutions, respect for the human, civil, religious and political rights of our citizens, openness to diversity and tolerance of everything." American 'right' wouldn't be left behind and soon the Christian far right used every violent incident that has an Arab/Muslim suspect attached to advance political agendas, culminated in the recent US Republican party Presidential contest. This latest rhetoric is evidenced in recent remarks of Dr. Ben Carson² that are matched by the infamous 'Muslim ban' demand³. Even though this drew immediate criticism many likening it Nazi era,⁴ consensus arose that 'radical Islam' is indeed dangerous, lending to the pointed question, "why shouldn't Muslims that can be radicalized anytime be considered a danger to the democratic society?"

The arrival of the 'phenomenon' of Islamic State of Iraq and Levent (ISIL) or Islamic State of Iraq and Syria (ISIS) in 2013 that claimed to bring back prophet Muhammad's long-promised Caliphate, the discussion of Islam as a political force has come back to the forefront. For the first time in modern history, both "pro-Islam" and "anti-Islam" entities are calling IS evil. The self-declared proponents of Islam are saying ISIS is anything but true Islam. On the other hand, the detractors of Islam are saying, ISIS is impersonation of true Islam that is inherently evil.

The chorus against the 'Islamic caliphate' has been surprisingly led by Muslim scholars. American Islamic scholar, Yusuf Hamza, a convert from Christianity, proclaimed Islam has "no role in governance"⁵ and the claims of ISIS are "bogus", calling it a "drug caliphate."⁶ Numerous publications appeared in support of this apolitical version of Islam that makes the Caliphate of prophet Muhammad and his 'rightly guided' Caliphs appear to be irrelevant in today's context.⁷ Such stance hasn't helped alleviate the fear perpetrated by noted Islamophobes that continue to confirm Islam is inherently evil. For them, there is a good reason to be concerned about the rise of Islam that would invariably bring in more terrorism in the west. They appeal to the academics, politicians and churches to be vigilant about Islam because Islam has no other agenda than take over the world⁸. The Judeo/Christian community mainly remains mooted and some even point out the danger that is inherent to Christianity. For instance, Martin⁹ wrote, "Within the Judeo-Christian belief system, references in the Bible are not only to assassinations and

conquest but also to the complete annihilation of enemy nations in the name of the faith. One such campaign is described in the Book of Joshua.” However, the far ‘right’ has been vocal against Islam to the extent that the ‘clash of civilizations’ debate has been turned into a clash between liberalism and totalitarianism, in which the only consensus is “extremist Islam” is dangerous¹⁰ and it is Muslims that have to do something to improve their brand of Islam¹¹. In “Terror and Liberalism” (2003), he scolded liberals too timid to join what he saw as America’s crusade for liberal democracy in Iraq. His recent writings call for unambiguous ideological commitment in what he describes as a worldwide clash between liberalism and totalitarianism. Even the Pope weighed in after Paris attackers were identified as Muslim extremists. In his words, “Such barbarity leaves us dismayed, and we ask ourselves how the human heart can plan and carry out such horrible events.”¹²

For the broad mass of the populations of Muslim-majority countries and regions, there could hardly be any time to reflect on anything, let alone take a hard look at their fundamental belief system. In fact, the society has become so self righteous that the only option that doesn’t stand a chance is that Islam may have been a genuine ‘way of life’ as claimed in its original source, namely the Qur’ān and *Hadith* (prophetic narrations). The line that everyone seems to miss is the fact that Islam mandates a lifestyle, which by default presents the Caliphate of the prophet as the model for a just society¹³. Numerous authors mentioned¹⁴ that there was an epoch that saw a remarkable surge in social development, initially mostly outside Europe. This social development was led by Prophet Muhammad. Even beyond the Muslim world, this individual has been ranked number one as the most influential ‘religious’ and ‘secular’ leader of all time.¹⁵ After his death, the institution or nation (*ummah*) that he founded became an example of an “ideal society”¹⁶.

This paper starts off with the premise that Islam is best defined by the Holy Qur’ān and case laws offered during the events of the lifetime of Prophet Muhammad and four rightly guided Caliphs. The first part of the current paper analyzes how Islamic social reform is conducted within the confines of the Holy Qur’ān and *Hadith*. First, Islamic cognition tool that was the hallmark of the Prophet’s revolution that catapulted Islamic civilization to the position of most dominant and longest lasting in known history is presented. Maximizing the potential of human thought material (HTM), this cognition tool is then used to analyze all existing theories and subsequently deconstruct them based on both form and content of each. Because the premises are analyzed, fundamental flaws of each theories became apparent. Also, no major battle was omitted, enabling the analysis to be comprehensive. In part 2, all major wars during prophet Muhammad’s life, followed by those fought during the rightly guided Caliphs during the 30 years after prophet Muhammad’s passing are analyzed using the same cognition tool.

2 Supporters of the notion of offensive Jihad

There are a few approaches to the *jus ad bellum* rules in Islam, and also with the nature of *Jihād*. Nearly all scholarly works by Muslim and non-Muslim researchers fall under one of the two categories, namely, defensive *Jihād* and offensive *Jihād*. Cavanaugh¹⁷ briefly describes the same two approaches, albeit calling offensive *Jihād* ‘textual’ and defensive *Jihād* ‘contextual’. Scholars, such as Firestone¹⁸ and Khadduri,¹⁹ take the superficial approach to analyzing Qur’ānic verses (orders) regarding *Jihād*. On the other side, there is the contextual approach that looks at the historical context of the revelation of the verse, aided by the crucially important *Hadiths* (his sayings, actions, and actions he condoned or gave tacit approval), to develop a criterion of when *Jihād* may be waged against a group. This section presents a literature review of scholars supporting the notion that Islam is violent in nature.

The first, perhaps more intriguing but less fashionable line of thinking would belong to the textual—often dubbed conservative—approach as categorized by Cavanaugh. In other words, supporting of the aggressive nature of *Jihād*. There are several arguments for the case of aggressive *Jihād*. The first and perhaps the most important one is the Qur’ānic evidence. The verses, sometimes termed “sword verses” as stated by van der Krogt²⁰ are often applied for evidence of the violent and very confrontational nature of *Jihād*. These verses, 9:5 and 9:29 clearly showing a confrontational and aggressive tone, when taken out of context, can raise obvious concern with the nature of Islam as a religion itself. In fact, there are several verses similar to this one that seem to clearly be ordering the mass slaughter of *kafirs* (who reject Islam) and people of the book (Jews and Christians of the time), as outlined by Al-Dawoodiy, who adds verses 2:217 and 2:216 to the list.²¹ He provides a detailed rebuttal to the advancement of this theory of Firestone’s historic analysis. Firestone claims that throughout Islamic formative history, there have been developing stages of *Jihād* and when one is allowed to fight. The first stage is non-confrontation, the second permitting defensive fighting, the third allowing indiscriminate attacks—with guidelines provided, and the fourth ordering war on all non-Muslim entities and nations. Al-Dawoodiy correctly points out, “[i]t goes without saying that the Qur’ānic verses on the issue of war must be read in their socio-political and linguistic contexts.” Hence, if someone were to simply state the text of a verse and apply it unconditionally, it would not reveal the real picture of what the criteria are. More importantly, it disregards the entire “metadata” of Islamic history used as a guide for centuries in war analysis and history, providing for anything but a lopsided view. The majority of Qur’ānic verses and historical contextualization is discussed in Part 2 of this paper. For now, it suffices to state that there is an overwhelming amount of literature in opposition to the findings of Firestone. Cavanaugh, for example, also looks through this theory of textual analysis, but provides no specific rebuttal, except with the statement that studying the concept of *Jihād* would be impractical to engage in a discourse about *Jihād*, without acknowledging its historical context.²²

A major misconception (that should be quickly deconstructed for further reference) about *Jihād*, is the “pay *jizyah* [poll] tax, convert to Islam, or fight” notion of how Islamic foreign diplomacy is ideally conducted. Perhaps one of the most misunderstood components of *siyar* (international Islamic law) is this notion, which has become an accepted wisdom by the

academic majority, as is discussed in ‘The Concept of *Jihād* in Islamic International Law’.²³ Also, the conservative Islamic view, as discussed later, accepted this as the norm. There are only a handful of accounts of the prophet and his four ‘rightly guided’ successors’ (Caliphs) sending coercive letters in the above tone, and only a handful of general state interaction with the prophet and state leaders. They are examined in the history section. The purpose of this section is only to deconstruct modern opinions and research methods that are ineffective (akin to misconceptions) and finding problems in common theories relating to the nature of *Jihād*. This is the clearing-the-table-phase that can then be set up the way prophet Muhammad would have done it. For now, it need only be understood that such a notion is a misconception that is often supported by the progressive *Jihād* scholars, as well as more conservative Muslims (as we will see below).

There are several articles and scholars in favour of “offensive *Jihād*”, some discussed by Ali and Rehman²⁴ who cited the arguments of Mushkat, Khadduri, and Busuttil. Khadduri (discussed by Al-Dawood) ²⁵, made some important historical points when discussing Islamic jurisprudence and *siyar*. Al-Dawood acknowledges that according to great scholars such as Abu Hanifah and al-Shaybani, their discourse on *Jihād* was made on the assumption that there was a constant state of war—possibly drawing from the notion developed by Islamic jurists, of *Dar al Islam* and *Dar al Harb*, and how non-Muslim land was all referred to as ‘abode of war’ – a term attributed to the rest of the world, with a few exceptions. Al-Dawood cited Esposito’s counterargument to Khadduri’s claim, stating that the reason for this assumption was because the Islamic state in fact *was* at a constant state of war at the time, and that was the reason for why several classical Islamic scholars wrote as if the Islamic State was in a constant state of war²⁶. This is problematic because it would imply that these scholars viewed the Abbasid Empire (that was in power during the time of these scholars’ lifetimes) as a legitimate regime. We know that at least this could not be true in the case of Abu Hanifah, as he had several problems with the Abbasids; causing ultimate imprisonment, torture, and poisoning, due to his opinion that Al-Mansur (the Abbasid caliph) should be overthrown.²⁷ So, if anything, a more reasonable conclusion to counter the argument of Khadduri would be that the original - albeit not the mainstream - classical scholars simply assumed that the Islamic state would be in a state of war because of the geopolitical situation of the entire world at the time. War was very common for any political entity at the time, especially on the borders of any state. Furthermore, a historical fact is that the Islamic state *was* constantly opposed militarily. It is reasonable to assume that the Islamic state would be at a constant state of war, given its history and the general situation of the world at the time.

Mushkat²⁸ states that because *Dar al Harb* and *Dar al Islam* are categorized as world sections, Islamic law “enjoins Moslems to maintain a state of permanent belligerence with all nonbelievers, collectively encompassed in the *dar al-harb*, the domain of war.” With no further explanation or historical argument, this seems to be a common feature among supporters of the offensive *Jihād*, all ignoring any discussion of crucial historical timelines. For instance, Donner, in his article “The Sources of Islamic Conceptions of War,”²⁹ goes through an extensive amount of philosophy and understandings of Islamic jurisprudence. What one does not see throughout

the article, even in his section ‘Historical circumstances’³⁰ dedicated to historical case laws and analysis, is any indication of case law analysis or reasoning, but instead, one sees unfounded conclusions such as “[T]he earliest of Muslims already were motivated by a religiously legitimized zeal to conquer...”³¹ This is the same assumption that Donner makes in the conclusion of the section, and the section (and the article) contains no specific argument as to why he continues to assert such assumption. Such an assumption at the onset of cognition will, no doubt, lead to the conclusion that the assumption will hold true. This assumption substitutes, and consequently ruins, the whole notion of objective historical analysis. Again, this is a common feature among the more modern offensive *Jihād*-supporting scholars, none of whom had any trail of detailed historical analysis. The only time such analysis is present is in the older cases, particularly the case of Firestone, most of whose work has been deconstructed by Al-Dawood and Esposito to make a case for defensive *Jihād* argument.

Another argument along this line can be found in van der Krogt’s theory of *Jihād*,³² which attempts to compartmentalize the several points of argument from the defensive-*Jihād* side of the scholarship. He overviews some brief history, but mainly refutes the existing literature of what he calls the writing of ‘apologists’. There are several flaws in his style of argumentation in the article, along with technical flaws that should be discussed. First of all, he refutes whom he saw as the founder of the line of thinking that *Jihād* is defensive, namely, John Esposito. Van der Krogt focuses on less significant points about his work, for instance, accusing him of claiming himself to be an exegesis,³³ instead of debating the core historical issues. Secondly, in van der Krogt’s brief take on history, he takes an approach in line with Firestone’s analysis. Although he provides no direct reference, the resemblance is clear. The following is a quote from him discussing Prophet Muhammad’s state after being forced out of Mecca, “Forced out of Mecca in 622, the Prophet Muhammad and his followers migrated to Medina (Yathrib) and soon began to raid Meccan caravans.” Al-Dawood discusses from Firestone’s work,³⁴ and mentions that the entire narrative (later going into specific examples) surrounds the notion that Muhammad was the troublemaker and that he mostly instigated battles/movements against him³⁵, very similar to van der Krogt’s interpretation of history. Another example of this similarity is when he discusses the issue of the ‘Islamic conquests’, and attempts to deduce from historical events to form criteria (in this case ‘encouraging war on all neighboring states’) that fit the presumption that Islam is inherently violent. This is surprising, considering that others have not generally gone so far as to doing this. The incident here is with Rabi‘ ibn ‘Amir, a Muslim envoy that was speaking with the Sassanid General Rostam Farrokhzad,

“Allah has sent us and brought us here so that we may free those who desire from servitude [*ibādat*] to earthly rulers and make them servants of God, that we may change their poverty into wealth and free them from the tyranny of [false] religions and bring them to the justice of Islam. He has called us to bring His religion to all His creatures and to call them to Islam. Whoever accepts it from us will be safe and we shall leave him alone but whoever refuses we shall fight until we fulfill the promise of God.”³⁶

This event did occur, and could imply that the Islamic conquest of Persia was offensive and unprovoked. However, the problem lies within the lack of context. In this case, he uses this narration as evidence that the goal of Islam is indeed to fight anybody who refuses Islam. In reality, there are several important points that need to be considered. Firstly, the citation takes this event out of context. The context was that Rabi bin Amr was sent to negotiate with Rostam after they had fought, and before the major battle of Qadisiyya.³⁷ This implies that the decision to go to war with the Persians was already made, and that these were pre-battle negotiations were taking place taking place so as to prevent the war.³⁸ Regarding the extrapolation from the last sentence, this is a simple case of misunderstanding due to wording. What was meant by the statement “whoever accepts it will be safe...but whoever refuses we shall fight...” is that before the battle starts, if anyone converts to Islam, they will be safe and not punished. Whereas, if they do not accept this offer, the Muslims would be required to fight. This means that if the king or others convert, there is no need to fight. This is supported by the Hadith (see second part of the paper) in which the Prophet ordered all military commanders to present people with the offer of peaceful surrender so long as they accept Islam or pay the *jizyah* tax. The question arises as to why the issue of paying *jizyah* was not mentioned by Rabi in this narration. The most logical explanation is that, in earlier negotiations the opposing party was presented with that offer³⁹. A small exchange in the middle of the course of the long war in which a diplomat offered peace if they accept Islam, was misconstrued to show as if this was a first visit to general Rostam and Rabi was explaining the general criteria by which Muslims use to conduct their foreign policy. Again, a process of ‘history discrimination’ is evident. In reality, contemporary international affairs continue to use this technique, calling it ‘last ditch diplomacy to avert all out war’, as evident from many wars after 9/11 and equally significant treaties that averted all out wars⁴⁰.

Regarding Qur’ānic analysis, the pattern is the same, van der Krogt does mention that scholars have raised concern, but did not contextualize. These are all examples of arguments and historical case law analyses of these scholars, who seem to have developed a clear pattern of inappropriate presumption regarding Islam. Perhaps, what van der Krogt and the others were correct in pointing out is that in the later periods of Islam, it became expansionist. In other words, they conflate true Islam with its expansionist counterpart instituted by the Umayyad dynasty. In his own admission,⁴¹ van der Krogt states that only later on (3rd Hijra/9th CE century) Islam developed an expansionist policy. The scope of the paper does not cover the entire progression of *Jihād*, but it would suffice to say that the historical analysis of the Prophet and Islamic caliphs’ expeditions was incorrect, perhaps intertwined with the belief that the later century (from the Umayyads) Muslim expansions into India and so on were based on true Islamic teachings and case laws of the prophet’s time. Certain scholars (even including Esposito) have admitted⁴² that the *dar al Islam* (land under Muslim control) must be spread against the *dar al Harb* (all other land, translated to “land of war”) to advance the borders of divine rule. This could have very well been the case in the later expansionary period under the Umayyads, but just arbitrarily laid down to the case of the prophet and four rightly guided caliphs—unless of course they are debating the issue of the conquests of eastern Byzantium and the Sassanian empire as mentioned by Esposito.⁴³ The point made here is that *dar al Islam/Harb* itself was an invention of classical jurists, possibly endorsing more offensive policies being undertaken by the

Umayyads and Abbasids at the time, such as the conquest of Spain, India, through central Asia, and later on Ottoman expansion into western Europe. These policies and jurisprudential evidence of offensive *Jihād* may have been taken as a standard of Islam by scholars, such as Firestone, Donner, and van der Krogt. It is conceivable that they applied this logic into the Prophet's mission of delivering Islam, reflecting a conflation of Prophet's original mission and how latter Muslim rulers perceived Islam as.

Sayyid Qutb, one of the most prominent revivalists of modern time, is also a strong proponent of the notion that Muslim 'defeatists' or 'apologists' are responsible for perpetrating the 'defensive' *Jihād* doctrine. He says,

"They say, 'Islam has prescribed only defensive war!' and think that they have done some good for their religion by depriving it of its method, which is to abolish all injustice from the earth, to bring people to the worship of God alone, and to bring them out of servitude to others into the servants of the Lord."⁴⁴

We see that the apologists are detested for their defensive/defeatist ideology. From the eyes of somebody like Qutb – a man that led an Islamic political movement - it would make sense to be angry at the liberal/moderate Muslims, the likes of whom are present today in the form of "TV evangelists" that preach that Islam is a pacifist religion, akin to the Christian TV evangelical counterpart. These scholars (e.g. Dr. Zakir Naik and Dr. Bilal Phillips) will be discussed in latter segments of this paper, but the point here is Qutb's scorn for these pacifist Muslim scholars may have interfered with his historical reasoning. He makes the argument that Islam must be an expansionary religion, because not doing so would not permit potential Muslims to be exposed to the truth, and that the divine law must replace and destroy the 'evil man-made destructive regimes'. In reply to the 'no compulsion in religion' verse, which is often quoted by apologists, he mentions that people are not forced to accept Islam, but rather subject to Islamic rule.⁴⁵ He claims that this sort of goal cannot be achieved through preaching; stating that the previous prophets' message delivery would have been much easier to get across. His first premise, of course, throughout is that the goal of every Muslim should be to militarily establish the rule of God. He backs it up with a few points summarized as: obeying means worshipping other humans, referring to a *hadith* of the prophet making commentary on a verse of Qur'ān (9:31, discussed in the next paragraph). For historical evidence of arbitrary expansion, he refers to the Roman and Persian conquests of Islam as evidence. For instance, the Rustam—Rabi ibn Amir interaction cited by van der Krogt was shown as evidence of the "convert, pay *jizyah*, or fight" policy. The other theory arguing that Muslims have been commanded to fight non-Muslims in four stages,⁴⁶ the theory that Firestone subscribes to has already been deconstructed earlier in this paper. Furthermore, Qutb mentions several times that orientalists take the stance of pro-defensive *Jihād*, and are trying to weaken the concept that Islam is political. Finally, he lists several verses of Qur'ān to justify his stand. These verses are taken out of context, similar to Firestone's Qur'ānic analysis discussed in relation to offensive *Jihād*. Overall, Qutb makes the entire purpose of *Jihād* as to convert the world to Islam and establish supreme Islamic rule on all of the infidels. Unsurprisingly, this is the same principle that governs mindset of Crusaders⁴⁷. Clearly,

Qutb needs rigorous deconstruction.

In his first argument, Qutb's first premise is that Islam must be spread militarily. This is supported by the notion that not doing so is 'worshipping', as he quoted a *hadith* where the prophet was reciting the following verse (9:31): "They (the People of the Book) have taken their rabbis and priests as lords other than God". 'Adi reports: 'I said, 'They do not worship their priests.' God's Messenger replied, 'Whatever their priests and rabbis call permissible, they accept as permissible; whatever they declare as forbidden, they consider as forbidden, and thus they worship them.'"⁴⁸ There clearly is a difference between worshiping through obeying religious duties of leaders, and following the law of the land in a non-Muslim country. Qutb claims that if military action is not pursued, Muslims are not doing their duty to spread Islam and destroy the 'evil man made' system of governance. What he does through these types of arguments is create his own set of criteria of when to go to war, about what the foreign policy of Islam is, etc. This skews Islamic cognition and his reasoning is presenting his version of Islam as true Islam. In other words, he is not enforcing what the prophet did, but essentially what he believes the prophet should have done. If the prophet or four caliphs ever (as we will see in latter section) attacked a group of people for their man-made faith/administrative system, then his claim would have some validity. However, this was never the case, and was not an agenda of the prophet. To draw parallel to his argument, this would be equivalent to using logic to make the point of praying only one time a day and then providing evidence from the Qur'ān. Nothing of this argument would be logical, because it was not the practice of the prophet, thus violating the minor premise of Islamic cognition: Muhammad is the messenger of God. Qutb's line of argument simply goes against the mission of Islam. Such fallacious cognition has been termed 'aphenomenal' elsewhere.⁴⁹

Qutb continues that the expansion of Islam militarily under Abu Bakr and 'Umar was motivated by the need to spread Islam globally. We will see in Part 2 of this paper that this is not the case. Qutb also mentions multiple times of his contempt of the Orientalist ideology,⁵⁰ i.e., the portrayal that orthodox Islam and Middle Eastern society is passive and apologetic by nature. It is to be acknowledged that this was the norm of classical Orientalism by Tuastad.⁵¹ To turn the tables, Qutb would not be pleased to hear that neo-Orientalism, developed after the Iranian revolution, portrays classical Islam to be hostile and offensive as Tuastad said regarding the change from Orientalism to neo-Orientalism. He says: "This represents a continuity from Orientalist to neo-Orientalist thought, whereby Middle Eastern society is seen as either too weak or ... too strong."⁵² Marranci also mentioned the neo-Orientalist view that Apologists' claim that extremists' views (such as Qutb's) were "nothing other than apologetic"⁵³ Qutb is well versed in Islamic jurisprudence (*Fiqh*). However, he does not grasp the notion of using detailed historical case laws – a deficiency that has been mentioned regarding the scholars that support the notion of offensive *Jihād*.

Syed Abul A'la Maududi, another influential Islamic scholar that led political Islamic movements in the Indian subcontinent has made the same general argument.⁵⁴ Consequently, the above deconstruction applies to his work as well. To his credit, however, Maududi is vociferously

points out the events of the Crusade and categorically denies any resemblance of Crusade with *Jihād*, nonetheless arguing that an Islamic state needs to conduct *Jihād* in order to establish rule of Allah's law.

Just as with the second line of argument, there are several Muslim contemporary scholars/Imams with 'fatwas' or Islamic rulings. Ali, in 'Resurrecting *Siyar* through *Fatwas*? (Re) Constructing 'Islamic International Law' in a Post-(Iraq) Invasion World',⁵⁵ analyzed the impact of the Iraq war on popular Muslim perspectives of *Jihād* and *Siyar* through analysis of online contemporary *fatwas* pertaining to the Iraq War. This enabled him to get a view of the overall environment among the Muslim community of the Iraq War pertaining to *Jihād*.⁵⁶ This section takes a similar approach in order to construct a perspective based on contemporary *fatwas*. This represents a fatwa along conservative Islamic thought. The fatwa (below) was issued by Shaykh Muhammad Saalih al-Munajjid, one of the most reputed scholars of the Salafi movement in Saudi Arabia. He, and his well-known colleagues Abd al-Aziz ibn Baz (d. 1999) and Muhammad ibn al-Uthaymeen (d. 2001) are both very respected leaders of conservative Sunni Islam, forming the most esteemed of religious bodies in Saudi Arabia. Al-Munajjid's fatwa⁵⁷ has several reasons behind why Muslims go to *Jihād*. These reasons are:

- Fighting disbelief, there are several accounts of *hadith* and Qur'ānic verses indicating the need to fight non-Muslims. These arguments are similar to Qutb's, claiming the need to spread Islam to non-Muslim lands;
- Repelling aggression on those who attack Muslims; based on Qur'ān 2:190 and 9:13;
- Removing *fitnah*: fighting 'kafirs' that oppress Muslims;
- Protecting the state; protecting borders and fighting people plotting against Muslims;
- For war booty, provided the booty is legitimate and is of 'halal' income (the stated reason for the battle of Badr).

From what we glean here, as well as in Qutb and Maududi, the conservative side of Islamic contemporary scholarship seems to be closer to the more aggressive side of *Jihād*, viz, the offensive *Jihād* – the one endorsed by neo-Orientalists. This is supported by common notions in the literature. For instance, Cavanough that acknowledges:

"Conservative readings of *Jihād* 'fossilizes the confrontational and conflictual element of *Jihād*, thus precluding alternative legal reasoning, compatible with present day requirements of coexistence in a world espousing diverse ideologies.'"⁵⁸

It is the same conclusion that is offered by the likes of Ali and Rehman that state:

"Implications of this conservative view in Islamic jurisprudence for doctrines such as *Jihād* are far reaching indeed. The predominance of this school of thought fossilises the confrontational and conflictual element of *Jihād*, thus precluding alternative legal reasoning..."⁵⁹

It is fair to say that the more conservative elements of Islam believe that *Jihād* is confrontational or aggressive, in the sense that the goal of *Jihād* used by an Islamic state is to do *Jihād* on all non-Muslim states that either reject the hegemony of Islamic rule, or refuse to pay *jizyah* and maintain a semi-autonomous state.

3 Supporters of the defensive notion of *Jihād*, and others

There is a great deal of literature claiming an exactly opposite role and conditions of *Jihād* in an Islamic state. The following review examines a few articles that are supportive of the notion of defensive *Jihād*, along with systematic deconstruction of the arguments advanced in these papers. In the literature on international Islamic jurisprudence, Hallaq correctly points out that the word *Jihād* may have many meanings, as it has been exposed to several cultures throughout history.⁶⁰ The modern literature has been aware of this, and often shows all of the sides of an argument to the real meaning of *Jihād*, before taking a position, as will be seen in latter sections.

Ali and Rehman review several pro-defensive *Jihād* arguments. There are two important misconceptions on this side, picked up by some modern literature⁶¹ and by western Islamic scholars, especially relating to the concept of the greater and lesser *Jihād* and the implication that the more significant meaning of *Jihād* is in fact self-struggle. The first argument made in this case is the *hadith* of the prophet that says “Self-exertion in peaceful and personal compliance with the dictates of Islam (constitutes) is the major or superior *Jihād*.⁶² Interestingly, this widely quoted narration is not considered authentic, belonging to one of the ‘*kutub sidda*’ or ‘six books’, from which narrations are taken from, a general Islamic scholarly consensus of these books being the standard compilation of the prophet’s narrations. This comes along with specific nonconformity with the Qur’ān⁶³ and several *Hadith*,⁶⁴ and runs contrary to several classical Islamic scholars and historians, including Ibn Taymiyyah,⁶⁵ Al Bayhaqi,⁶⁶ and several others.⁶⁷ The second argument raised by scholars is that the root word of *Jihād* means ‘to strive’, and the popular notion that self exertion and struggle is very important concept in Islam picked up by classical,⁶⁸ as well as contemporary Islamic scholars—especially “apologetic” western Muslim scholars as we will see below. It is true that the root meaning of the word *Jihād* means sustained “struggle” or “striving”. However, the only meanings that are used in the Qur’ān that refers to the word *Jihād* (as in “striving in the path of God”) 68 times, relate to fighting, with physical self or with funds, all relating to establishing the *deen* of Allah.⁶⁹ They all point to personal sacrifice either with life or with wealth. While personal sacrifice may include ‘self actuation’, there remains no confusion when these citings are seen in the context of relevant *Hadiths*. It is within the terminology of the prophet and his companions that one can discover the true meaning intended in the Qur’ān.⁷⁰ Each major *hadith* collection has a book dedicated to *Jihād*. For the purpose of this study, we will only look at the most popular/largest collection, Sahih Bukhari. The book contains 24 *Hadiths* with the word *Jihād* in them, all of them refer to war or fighting. However, it was acknowledged that there are other versions of *Jihād*, for instance, the prophet said that the *Jihād* for women, elderly, and children is Hajj.⁷¹ More importantly, the overall colloquial terminology refers to *Jihād* as being war or battle. Although it is important to

acknowledge the internal struggle is necessary to accomplish anything in the faith ('in the path of *Allah*'), the more significant term relating to war is evident.

Now that common misconceptions have been cleared, it is much easier to enter the realm of pro-defensive arguments. Perhaps one of the most extensive, exhaustive studies of Islamic war, with historical analysis, is the first chapter of the doctoral dissertation of Al-Dawoodiy "War in Islamic Law: Justifications and Regulations."⁷² The main aim of the study is to analyze the history of the prophet, or *Sirat*, and develop a theory of how war was declared under the Islamic state, while looking at two main interpretations of the history. Al-Dawoodiy was key to deconstructing Firestone's interpretations, but more importantly, his historical deconstruction was intriguing. The detailed investigation of several battles and raids (*ghazawāt*) of the prophet, each in its own individual context, revealed that each and every belligerence conducted under order of the prophet was never started by the prophet himself, "nor motivated by Islamic teachings to engage in offensive attacks against non-Muslims because of their disbelief in Islam."⁷³ Al-Dawoodiy criticized authors, such as Firestone, for not looking into individual interactions, and others, such as Donner, for jumping to the conclusion that prophet was successful because he was a "genius strategist". This conclusion is similar to that of Esposito, who looks into individual interactions, and concludes that other parties initiated the attacks and wars the prophet fought in. Whilst Esposito's cognition is correct and logical, his failure appears to come from his analysis of the history involving the four rightly guided caliphs and their military expansion.⁷⁴

There are also others who failed to include all cases⁷⁵ and put in correct perspective. In their discussion about the nature of *Jihād*, they enter a discourse referring to the applicability of *Jihād*. They conclude (from the start to finish) that Islamic jurisprudence, the Sunnah, and the Qur'ān have no consensus; there are no standard accepted criteria on when *Jihād* can be applied. They point out the 'dichotomy' in Islam, the 'peaceful religion' that does not force religion upon people, based on the verse of Qur'ān.⁷⁶ They show that at the same time, jurists such as Abu Hanifah state that the punishment of apostasy is death, based on the *hadith* that the prophet commanded his people to kill those who change their religion, while the prophet at the same time completely forgave the person who asked to kill *Allah*. Gamal Badr's argument⁷⁷ shows that the harsh punishment ascribed to apostasy applies only in the case of political treason. According to them, however, this would be absurd, for the reason that collective apostasy deserves the death penalty a (qualified as being *fitnah*), as per the Qur'ānic verse 2:191 that says that apostasy is worse than murder and qualifies *jus ad bellum* - while at the same time, verse 109:6 states "For you [plural] is your religion, and for me is mine."⁷⁸ He attributes this confusion or perceived contradiction to the assumption that each verse of Qur'ān has many alternative interpretations. While this would be typical of dogmatic cognition, it is unbecoming of a book that claims itself to be 'dogma-free'.

Without resolving the misconception imposed by their own false assumptions, Ali and Rehman enter into the realm of several unfounded conclusions - based on the assumption that 'Islam doesn't make sense'.⁷⁹ As pointed out by Badr,⁸⁰ the first misconception is that 'group

apostasy' as they put it, is a justification for war. An important distinction to be made before conclusion is that group apostasy, *per se*, is not punishable by death, unless it is a political advancement against the sovereignty of the Islamic state. For instance, with the 'Ridda wars',⁸¹ Abu Bakr declared war on the false prophets, a group of apostates. Whereas 'Umar was Caliph, he was noted to have gotten angry at his governors for killing groups of apostates.⁸² The major difference to note between the two reactions is that the apostates of Abu Bakr were threatening the sovereignty and power of the political Islamic state. Claiming prophethood, having their own community and laws declaring within the territory of the state is anything but simple non-political, 'group apostasy'. They are akin to uprising and treason and punishable by death penalty. By contrast, 'Umar's apostates were under control of the state and simply converted away from Islam⁸³. Hence, the rule of 'no compulsion in religion' holds, leading to 'Umar's refusal to sentence the offenders to death. There is no contradiction in these two practices of the two Caliphs. Regarding the verse 2:191 of the Qur'ān cited that commands the Muslims to fight, and that *fitnah* is worse than killing, Rehman and Ali imply that they must be somehow connected, that *fitnah* means groups apostasy, which means war. This is a grave misconception that warrants no justification because the verse 2:190 gives the criterion for waging *Jihād*. It is not conceivable that a serious scholarly work would ignore the preceding verse that qualifies the act of *fitnah* while using a verse to qualify 'group apostasy' as *fitnah*. First of all, the word *fitnah* does not mean group apostasy or civil war in the Qur'ān or *hadith*, the term was invented later on⁸⁴. Secondly, the order, in this verse, is to fight the people that initiated fight against the Muslim as seen in preceding verses, 2:189 and 2:190. Badr also makes a point about the three-choices injunction ("pay *jizyah*, convert, or fight").⁸⁵ As we will see in the next section, this injunction was only applied after the decision to fight as a last-minute negotiation tactic. Furthermore, a state that does surrender (instead of fighting, if they have infringed upon the Muslim state's sovereignty), the only requirement is that the state allow Islamic laws, without any requirement of conversion to Islam. As for the state's decision to pay *jizyah*, it even allows them to keep their own judicial system—as we know that *jizyah* paying states were allowed to keep their administrative system⁸⁶ and of course their religion. For instance, they did not pay the zakah as Muslims did, but they instead paid *jizyah*. Evidently, Islam is not coercive in religion, and the only confusion regarding apostasy, politics in the Qur'ān and Sunnah has been fabricated.

At this point, it is important to review the contemporary, mainstream scholars' views on *Jihād*. They have a vast influential plain, and often have millions of viewers, TV channels, universities and educational institutions, etc. Of course, the entire viewpoint of 'moderate Islam' cannot fit under the categories of a view influential speakers or scholars, but because of the large influence they do have on the mainly moderate (non-orthodox) Muslim population provides that they be briefly discussed, to get perspective of their popular ideology on *Jihād*. One of the most influential of scholars/debaters/speakers on the spectrum is Dr. Zakir Naik, the founder of 'Peace TV', belonging to the more evangelical-type scholars had this to say about *Jihād*,

“*Jihād* is misunderstood by both Muslims and non-Muslims. *Jihād* means to strive and struggle to make the society better. The best form of *Jihād* is to strive and struggle against non-Muslims, using the teachings of the Qur’ān...”⁸⁷

Bilal Phillips, another influential speaker, in his statement⁸⁸ on Islam and Terrorism, states that Islam was not spread by the sword even though the Islamic state expanded its borders. This is the only remark one can find about his view on *Jihād*. Finally, there is also the North American Islamic Fiqh Council, known for their rather liberal ideology, such as their endorsement of the unorthodox moon calculation method of determining the start of the month of Ramadan and Eid.⁸⁹ In an article published on their behalf of them, Jamal Badawi - a Canadian Muslim scholar —⁹⁰ that combative *Jihād* “[I]s allowed in the Qur’ān for legitimate self-defense in the face of unprovoked aggression or in resisting severe oppression on religious or other grounds.” However, he does not go into the Roman/Persian invasion history, nor into the varying opinions of the usage of the word, *Jihād*. Instead, he simply lists Qur’ānic verses and contexts without refutation or discussion of other scholars’ work. His interpretations are correct, in the sense that he was able to identify the historical contexts to the Qur’ānic orders. His conclusion is correct, although insufficiently elaborate regarding the invasion of Persia and Byzantine empires. Badawi claims that the King of Persia sent letters to Sassanid governors commanding them to kill the prophet, as he did not recant his prophethood⁹¹. This document doesn’t accompany any reference and lacks rigor in this important (what would be) incidence of *jus ad bellum*. Even if such letters were really sent, it was not the reason for the invasion of Sassanid Iraq by Abu Bakr. Again, we see an example of ‘historical tampering’ without reference to make his point.

Another unique approach to the application of war in Islam is the opinion of the British Muslim speaker and Islamic scholar, Hamza Tzortzis. He argues in his essay ‘Is *Jihād* Terrorism?’⁹² about the Islamic legitimacy of terrorism and extremist Islamic movements, relating it to modern day organizations like Al-Qaeda. He summarizes the use of *Jihād* in Islam, categorizing two types; defensive and progressive *Jihād*. Defensive *Jihād*, of course, is understood without saying. Progressive *Jihād*, however, has a more interesting approach. He defines progressive *Jihād* as applying in three conditions “The reasons include removing oppression, defending the weak and implementing the justice of Islam.”⁹³ The first two conditions apply into a major criterion, humanitarian intervention. The last reason is about toppling oppressive legal systems, such as the one in Spain at the time Muslims had invaded them⁹⁴. The first two arguments do fit the history, and an example of it in the Caliphs’ time was Abu Bakr’s invasion into Iraq, for which we will argue there existed such a purpose. The only (major) discrepancy is his saying that the theoretical Islamic state may invade due to humanitarian reasons and suppressive conditions being committed against anybody. As per the verse of Qur’ān 4:75,⁹⁵ it is commanded that Muslims to fight those oppressing Muslims. Tzortzis, whose analysis was strictly historical, did not point this out. The last condition, invading for the sake of getting rid of oppressive administrative/judicial systems of other countries, was backed up by the case law of the Umayyad government’s invasion of Spain. There is no evidence provided that they had invaded for that reason, nor do they amount to case laws themselves. One should note that potential discrepancy of Tzortzis

may be because he saw the Umayyads as a standard or legitimate extension of the legacy of the rightly guided Caliphs. Because he did not provide any other examples or arguments in literature or history, one can only say that the notion of the validity of attacking a nation to remove oppressive legal/administrative systems is unfounded.

5 Conclusion

The purpose of this paper was to review the opinions regarding the criteria for the Islamic *jus ad bellum* in the scholarship. There are several articles and opinions, each differing and proposing a wide range of conclusions and observations. There are several patterns observed throughout the analysis. There are two main divisions of the interpretation of *Jihād* theory, namely, those supported by so-called neo-Orientalists (referred to as the ‘pro-offensive *Jihād* supporters’), and the ‘Apologists’ or defensive-Islam supporters. The former group of literature seems to ignore historical context based on the first premise, that Islam by nature is expansionist.⁹⁶ This is not a ‘bad’ conclusion *per se*, however, it lacks rigorous analysis and contextualization of historical events along with evidence in support of the underlying assumptions. Scholars, such as Qutb and Maududi who are obviously not neo-orientalist, still adhere to the notion of *Jihād* being offensive or expansionist. They are more likely to refer to historical events as a testimony to expansionist nature of Islam. Qutb directly refuted the apologists who analyzed only the prophet’s war interactions and emphasized the perhaps harder-to-prove defensive conquests of eastern Byzantium (and Ghassanid empire) and the conquest of the Sassanian empire. For the two, having an offensive *Jihād* policy would seem fashionable, as the orientalist view at the time was dead against the stance of aggressive *Jihād*. It is also a pattern, it seems, that more political Islamists tend to have aggressive notions of *Jihād*, fitting the notions of political Islam. On the other side of the spectrum, there are the scholars supporting the defensive notion of *Jihād*, often referred to as apologists. They tend to be more objective in the sense that they analyze historical context and contextualize Qur’ānic verses.

However, one major discrepancy among nearly all of them should be noted. Without exception, all in the articles discussed; Esposito, Al-Dawood, Cavanagh, Badawi, and Ali and Rehman have all directly or indirectly acknowledged the ‘fact’ that *Jihād* mainly means struggle and self perseverance, and that the fighting portion of is a minor, less important part of it.⁹⁷ Authors go from completely belittling the fighting *Jihād* and bringing great importance on self *Jihād* (as Badawi did), to acknowledging that the greater *Jihād* is self perseverance, while the combative *Jihād* is less significant-although important for the sake of the discussion (Cavanagh’s, Al-Dawood’s, Esposito’s conclusions). As stated above, we know that this is not a correct notion, but is advanced by the ‘apologists’ perhaps to soften the definition of *Jihād*, creating room for the argument that Islam is strictly defensive.

This paper had the purpose of setting the framework—an understanding—of the current opinions and sentiments the scholarly literature has on the the potentially violent nature of Islam. It allowed one to understand the main arguments, their strengths and weaknesses, and eventually

conduct a full and complete historical and jurisprudential analysis of the application of *Jihād*. That is, to eventually understand the relationship between war, violence, terrorism, and Islam.

6 Acknowledgements

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Notes

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²⁰ Christopher J. van der Krogt "Jihād without apologetics." *Islam and Christian–Muslim Relations* 21 (2010): 131

²¹ Al-Dawood, "War in Islamic Law: justifications and regulations" (PhD Diss., University of Birmingham, 2009), 100-116

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⁴⁰ Oliver Meier, "European Efforts to Solve the Conflict over Iran's Nuclear Programme: How has the European Union Performed." *Non-Proliferation Papers* 27 (2013)

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⁴³ Esposito, *Unholy war: Terror in the Name of Islam*, 35

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⁴⁵ Ibid. 34

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⁴⁷ Islam, Islam, and Zatzman, *Reconstituting the Curriculum*, 44, 71.

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⁵⁵ Shaheen Sardar Ali, "Resurrecting Siyar through Fatwas? (Re) Constructing 'Islamic International Law' in a Post-(Iraq) Invasion World." *Journal of Conflict and Security Law* (2009): 115

⁵⁶ Ibid, 131: He quotes several online fatwas: from www.islamonline.net by Sheikh Ahmad Kutty; Ibid., 134: from Al-Azhar University; Ibid., 137: and from Sheikh Hamed Al-Ali (a prominent Kuwaiti Sheikh)

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⁵⁸ Cavanaugh, "Speaking Law into War", 4

⁵⁹ Shaheen Sardar Ali, and Javaid Rehman, "The concept of Jihad in Islamic international law." *Journal of Conflict and Security Law* 10 (2005): 327

⁶⁰ Wael B Hallaq, *Shari'a: theory, practice, transformations* (Cambridge: Cambridge University Press, 2009) 324

⁶¹ Abdullahi Ahmed An-Na'im, *Toward an Islamic reformation: civil liberties, human rights, and international law* (Syracuse: Syracuse University Press, 1996), 145; Cavanaugh, "Speaking Law into War", 5; Ali and Rehman, "The Concept of Jihad in Islamic International Law", 1

⁶² Ali and Rehman, "The Concept of Jihad in Islamic International Law", 1

⁶³ The Qur'ān 4:95

⁶⁴ Ibn Majah Al-Qazwinī, and Imām Muhammad bin Yazeed, *Sunan Ibn Māja: Volume 3* (Darussalam, 2007), narration 2794; Muhammad al-Bukhari, *Sahih Bukhari* (Darusalam, 2007), narration 26, 2786, 2792; Muslim Ibn Al-Hajjaj, *Sahih Muslim* (Darussalam 2007), narration 1884, 1910; Malik ibn Anas, *Mutawwa Imam Malik*. Darusalam 2007, book 21 narration 965

⁶⁵ Ibn Taymiyyah, *Al Furqan Bayna Awliya Al Rahman Wa awliya Ash Shaytan* (Riyasdh: Daar us-Sunnah Publications, 2000), 44-45

⁶⁶ Suhaib Hassan, *An introduction to the science of Hadith* (Al-Qur'ān Society, 1994).

⁶⁷ Abdullah Azzam, *Join the Caravan* (London: Azzam Publications, 2001), 27 shows several scholars' concern and statements regarding the authenticity of the hadith.

⁶⁸ Muhammad Baqir Majlisi, *Bihar al-Anwar: volume 19* (Al-Wafa, 1983) 182, tradition 31

⁶⁹ Al-Dawoody, "War in Islamic Law: justifications and regulations", 98

⁷⁰ It is more important to know the use of the term *Jihād* by the prophet and his companions, to get an idea of the application of *Jihād* from a practical point of view

⁷¹ Al-Nasa'i. *Sunan An-Nasa'I* (Riyadh: Darusalam, 2007), narration 2626: there are several other accounts of similar *Hadith*.

⁷² Al-Dawoody, "War in Islamic Law: justifications and regulations", 21-75

⁷³ Ibid, 68

⁷⁴ In our subsection analyzing 'aggressive' *Jihād* supporting scholars, we cite Esposito admitting to 'progressive' *Jihād* for the sake of establishing Islamic law: Esposito, *Unholy war: Terror in the Name of Islam*, 35

⁷⁵ Ali and Rehman, "The Concept of Jihad in Islamic International Law", 335: They enter a discussion regarding the applicability of *Jihād*: "3.4 Observations Regarding Applicability of *Jihād*"

⁷⁶ The Qur'ān 2:256, "There is no compulsion in religion..."

⁷⁷ Ali and Rehman, "The Concept of Islamic International Law", 336

⁷⁸ Ibid, 337

⁷⁹ Similar to the conclusion Fred Donner is surprised to get, when he assumes that Islam is expansionary by nature

⁸⁰ Ali and Rehman, "The Concept of Jihad in Islamic International Law", 335

⁸¹ Terms apostasy wars, although there are several reasons for which the wars were started, some even upon Muslims for not paying zakat to declaring fake prophethood

⁸² Gamal El-Shayyal, *Towards a Civic Democratic Islamic Discourse II Islam, state and citizenship* (Amman: Al-Quds Center for Political Studies, 2007): 115

⁸³ This is implied, because the state was able to quickly gather them up and try them (for apostasy), it could not have been a rebellion

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⁸⁵ Ali and Rehman, "The Concept of Jihad in Islamic International Law", 336

⁸⁶ Majid Khadduri and Herbert J. Liebesny, *Law in the Middle East: Origin and Development of Islamic Law. Volume 1* (Washington: The Middle East Institute, 1955), 37

⁸⁷ Alieu Ceesay, "Gambia: Dr. Zakir Naik Condemns Atrocities Committed in the Name of *Jihād*." *AllAfrica*

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⁹² Hamza Andreas Tzortzis, *Is Jihād Terrorism?* 5PillarsUK (2014)

⁹³ Ibid.

⁹⁴ Ibid, citing Zion Zohar, *Sephardic and Mizrahi Jewry: from the Golden Age of Spain to modern times* (Ney York City: NYU Press, 2005), 8-9.

⁹⁵ The Qur'ān 4:75, "And what is [the matter] with you that you fight not in the cause of Allah and [for] the oppressed among men, women, and children who say, "Our Lord, take us out of this city of oppressive people and appoint for us from Yourself a protector and appoint for us from Yourself a helper?""

⁹⁶ Fred Donner, "The sources of Islamic conceptions of war", 49: Donner mentions this to be his starting-off assumption

⁹⁷ See: Cavanaugh, "Speaking Law into War", 8; Badawi, "Muslim/ Non-Muslim relations: an integrative approach"; Al-Dawoodi, "War in Islamic Law: justifications and regulations", 133; Ali and Rehman, "The Concept of Jihad in Islamic International Law", 330; John L. Esposito and Dalia Mogahed, *Who speaks for Islam?: What a billion Muslims really think* (Washington: Gallup Press, 2007), 10-11.

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A theory of Humanity: Part 1—Methodology and the ‘Ideal life’

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ABSTRACT

Fundamental human rights cannot be discussed without defining humanity. This two-part paper revives an ancient model that has been forgotten ever since the implementation of dogma by the Roman Catholic church. It is shown that the definition of humanity was perfected in the Qur'an, the only written document that is preserved for over 14 centuries in its original form. The original claim by prophet Muhammad was that the Qur'an was a divine revelation. This book has the word ‘science’ (*ilm* in Arabic) over 700 times and contains no dogmatic assertions. The Qur'anic model states clearly the role of humans as the *khilafah* (viceroy) of the creator that must spend a set period of time on earth. It lays out the foundation of a society based on conscious and conscientious participation of every individual. It represents the epitome of liberalism while providing one with a roadmap that is permanent. So, the lifestyle of this Caliphate model is the optimum of liberalism and conservatism. The current Part I of the paper shows that the viceroy model is the only one that removes the ‘original sin’ attribute of humans. We examine fundamental traits of humans if the assumption of ‘original sin’ is removed. It is shown that humans emerge as ‘godly’ only if they act based on conscience. Any departure from conscious and conscientious pathway makes humans and all ensuing policies and agendas inherently implosive. This model of humans can be best characterized as based on sustainability and hope, thus replacing all current models that are based on fear and scarcity. The paper shows how the viceroy model was progressively replaced with the currently used ‘born sinner’ model.

Keywords: Humanity, Religion, Original Sin, Philosophy of History, Materialism

1 Introduction

AVERROES, THE FATHER OF EUROPEAN SECULAR PHILOSOPHY, famously stated, “Ignorance leads to fear, fear leads to hatred, and hatred leads to violence. This is the equation”. Today, at the

dawn of Information age, such statement couldn't be more timely in the face of extreme violence around the world. This paper investigates what are the natural traits of humans and how such traits can be best utilized to promote hope in stead of fear and love instead of hatred. The meaning of human life is a research question that is as old as humanity itself. In the post-Roman Catholic church era, this question has been rephrased in different forms, such as "Why are we here?", "What is life all about?", and "What is the purpose of existence?" or even "Does life exist at all?" It is recognized in modern Europe that these questions are universal and worthy of research and authoritative opinions. Although not explicitly recognized, these questions have been answered in all disciplines with philosophical, scientific, and theological speculations of similar rigour. All speculations in Europe avoided any reference to the Qur'an, the book that claims itself to be a divine revelation, thereby being the external and universal standard.¹ In absence of this universal standard—unlike what happened after the Qur'an's acceptance gained momentum in Islamic political philosophy—there have been a large number of proposed answers to these questions, all of which contain an Orientalist/Eurocentric or apologist perspective.² These one-sided views, as manifested by the often covered-up fundamental premises that are aphenomenal, are then purported as the universal view of practically all disciplines, ranging from social science to engineering.³

2 Cognitive Background

Recently, there has been a surge of research 'findings' that tie in the answers to the fundamental question of humanity to numerous issues involving symbolic meaning, ontology, value, purpose, ethics, good and evil, free will, the existence of one or multiple gods, conceptions of God, the soul, and the afterlife. This new surge delves into the 'science of intangibles' and attempts to legitimize aphenomenal premises through dogma-like discussion.^{4,5} This narration focuses primarily on describing related empirical facts about the universe, exploring the context and parameters concerning the 'how' of life, always involving an illogical, unfounded fundamental premise. With such a *modus operandi*—viz. the creation of theories with an unfounded first premise—new philosophical and even natural science also studies and provides recommendations for the pursuit of well-being and a related conception of morality. An alternative, "humanistic approach" poses the question "What is the meaning of my life?" The value of the question pertaining to the purpose of life may coincide with the achievement of ultimate reality, or a feeling of oneness, or even a feeling of sacredness. Again, this narration of morality is entirely Eurocentric and devoid of any sound footing.⁶

Over the last millennium, even after the notion of 'original sin' has been discredited as aphenomenal, it is widely and falsely believed that natural cognition, or some form of normative cognition, is backward-looking, and that humans are incapable of finding their own path of knowledge, they must be indoctrinated into being "enlightened" based on the fundamental principles of the Enlightenment Philosophical tradition. What is interesting to note, however, is that at no time did science depart from a dogma-like characterization of humanity since the introduction of dogma by the Roman Catholic church and the Roman Empire that adopted Christianity as the state religion, every biblical designation has been overtly criticized while the

very traits of ‘original sin’ has been blended in various forms.⁷ This narration starts with the childhood model as proposed by educational philosophy Piaget, who infers without justification that the thinking of children at this age is based on intuition and still not completely logical. This in turn transforms the ‘original sin’ model into ‘original illogical’ model. What is important to understand is that there is still the use of a “model” nonetheless, each model which is just as illogically justified as the original sin model of the Roman Catholic Church. Just because adults look at things in a different way doesn’t mean infants are illogical. A proper analysis would put this in perspective as a transition between intangible cognition to tangible cognition. Rather than saying that the infants cannot yet grasp the ‘more complex concepts such as cause and effect, time, and comparison’, we ought to point out they don’t use the same concept as adults to transit from intangibles (e.g. thinking) to tangibles (speaking). Considering that *homo sapien* literally translates into ‘thinking men’, we cannot regurgitate the old concept that children are subhumans.

Sadly, this has been the only narration allowed in modern era. Piaget’s theory of cognitive development⁸ is only an example of, specifically, the creation of an unfounded first premise used to deduce data and observations from. This constitutes quite literally what we may call normative deduction. Surprisingly, the idea of normative deduction from our first premises has not been criticized, but rather, encouraged in the modern era. Criticism of normative deduction is often limited to deduction from religious scriptures, finding its peak in the enlightenment era.

The “original sin model” has been accommodated in all social science models, ranging from Feminism⁹ to law,¹⁰ in which individuals channel their observations into theoretical constructions before—or a priori—the observations. The main criticism of Orientalism, that one uses preconceived notions of the east instead of studying “the east” for what it is, is the same criticism being deployed towards modern theories in the social sciences. This ‘orientalist’ view of humanity has become synonymous with indisputable and ‘secular’ notion of feminism,¹¹ and more recently in the form of neo-Orientalism.¹² In science, the original sin model has become synonymous with theories that attempt to define the fundamental trait of humans, tantamount to independent thinking and free will, for example.¹³ For instance, Moore¹⁴ rationalizes conscientious behaviour as an act similar to Adam and Eve’s ‘original sin’ of eating forbidden fruit. He draws parallels between his experience of undertaking insider research and the original sin the biblical Adam and Eve committed when they “ate the forbidden fruit from the tree of knowledge”. Here, anarchy and revolt against the Establishment’s agenda is made synonymous to ‘original sin’. We can clearly see how the use of a single premise—in this case, that we are rebellious—can lead to the use of channelling observations (such as this unorthodox interpretation of the Bible) into theories (which, again, is the first premise).

This accommodation of ‘original sin’ has been based on Newtonian mechanics and accentuated by practically all new “scientific” theories, even though the name ‘God’ has been absent from the works of hard science. However, the connection to God has been made by anyone interested in the exploitation of religious sentiments of the unassuming public,¹⁵ with the overwhelming conclusion that: “the laws of gravity and quantum theory allow universes to appear

spontaneously from nothing”, therefore, legitimizing questioning Hawking’s conclusion that there is no need for God.¹⁶ This same premise-based deduction is found even in the natural sciences. Absent from this narration is the consideration of the premise if there is a god, the human perception of ‘need of God’ is irrelevant, at best.

The fact that new science has adopted cognition means that are as illogical as dogma made way to the surge of numerous publications asserting that new science is compatible with doctrinal philosophy.¹⁷ In particular, quantum mechanics has made room for incessant possibilities of matching any illogical premise, including the faith dictating reality.¹⁸ Quantum computing is literally a computerized version of the deduction of theories from a first premise, a priori to an analysis of observations. Others have conveniently extended the notion to behavioural science, forming the basis for applications in healthcare and pharmaceutical industries.¹⁹

To-date, very few, if any posited the appropriate question that would generate true knowledge, leads to dogma-free cognition. Apologists have emerged from both extremes of the liberalism spectrums. The feminist narration created a new line of apology and shunned any possibility to question the fundamental premises of the doctrine of feminism or neo-liberalism.²⁰ A few recent articles have made suggestions that feminism and neo-liberalism are infused with dogmatic double standards²¹ and that they are little more than original doctrine of money and control.²² It would be inefficient to delve into each and every one of these theories while their logical deconstructions have been completed elsewhere. What is necessary to note is that these theories and schools upon which much literature and theoretical work have been written is inherently flawed due to the non-questioning and non-validation of their respective first premises.

What is also interesting, is that in even modern western discourse, in the entire discussion of humanity and humanism, mention of the Qur'an has been absent. This is remarkable, considering what Qur'an offers in clearest terms all the answers that elude Eurocentric thinkers.²³ In a way, the terrorist attacks of 9/11 have triggered the discussion of Islam, albeit in the context of ‘clash of civilizations’. However, as Islam²⁴ has pointed out, this discussion barely made any dent on true nature of Islam or humanity. Of course there have been numerous critiques of both ‘savagery of Islam’ and hegemony of USA in the context of war on terror, but most work didn’t delve into the humanity model that is the principal focus of this paper. Even the most sympathetic papers limited the discussion in pointing out double standards of neo-liberalism and feminism.²⁵

As a note regarding the methodological background of this paper, one should understand that we use a void, valueless deductive method of logic as proposed in Islam et al.²⁶ Cognition is seen as a 5-step process that has origins in questioning, as is summarized below.

- cognition starts with a real question that has only Yes (1,+) or No (0,-) answer. Such question doesn’t arise if it has already been resolved in a source of absolute truth (if one can be confirmed exists though this same process)

- make niyah (original intention) to start the cognition process solely in search of the truth (haq) so a right (haq) decision is made at the end of the cognition process;
- collect all available data and filter out questionable sources;
- fuzzy logic (manteq) phase: ask questions of dialectical nature (manteq) that will have qualitative answer (by collecting a series of yes/no answers). Each manteq questions should be motivated by qsd (dynamic intention) that is in line with niyah; and
- logic (aql) phase: Ask the final question to determine the yes/no answer to the question asked in Point 1.

In the first part of this two-part paper, a consistent and logically sound model for humanity is presented. It is inspired by the designation of *khalifah* (viceroy) as used in the Qur'an. Using that designation, the paper examines how the purpose of life as well as accountability of individual actions can be blended in to form a guideline for pursuit of knowledge in every discipline. In developing a more whole theory of humanity so as to provide a construction of universality and human rights, we must start from examining definitions of the purpose of life, and its role in the lives of others. Our discussion of the process of false premise-based cognition is demonstrated in Figure 1.

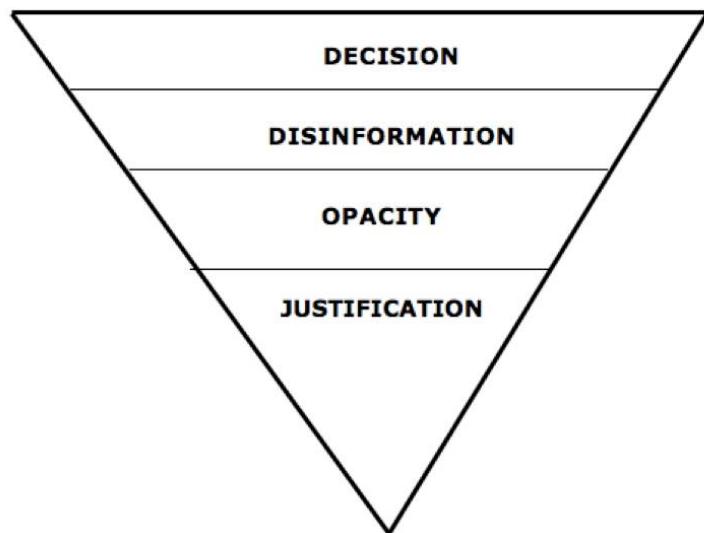


Figure 1. This is the inevitable outcome of the 'original' sin model that reverses the cognition process, and thereon corrupts the entire humanity. Unfortunately, there is no exception that we can cite in the entire history of modern Europe.

3 Purpose of life and ideal behaviour

For whatever one can gather from ancient cultures, there was no confusion about the purpose of human life. Prior to behaviour, humanity, and the following legal and ethical systems of life that religions may have represented, there was always a conception of humanity and purpose of each individual life. This purpose starts off with the designation of a formal status for humans. This section analyzes the definitions and conceptions of the purpose of life from Hinduism, Islam, and Christianity.

In ancient India, the concept of representation, or life's purpose, is founded in the notion of '*avatar*'. The word derived from from the Sanskrit *avatāra* (अवतार), meaning 'descent,' from *ava* 'down' + *tar-* 'to cross.' The word was used to describe believed deities or representative of Gods on earth. This is not to be conflated with the notion of the reincarnation of Jesus, for example, as the word *Avatar* can be used to describe pious and gurus in general—i.e., the expert practitioners of God's attributes. It in fact can signal to the fact that God's presence is in all creatures.²⁷ This implies that Hinduism itself supported the notion that on an ideal level, the purpose of life is representing and practicing the attributes of God. Hence, we can attribute the purpose of life (or the many lives, according to the laws of reincarnation) to be fulfilling of a Godly ideal.

In Islam, the Qur'an formalized and expounded upon the notion of the purpose of life. As found in verse 2:30 of the Qur'an, humans are all seen as '*khalifah*', the word best translated as viceroy or vicegerent. In Islam, man's ultimate life objective is to worship (Arabic word '*abd*' literally means 'obey with love') the creator Allah (English: God) by abiding by the Divine guidelines revealed in the Qur'an and the Tradition of the Prophet. It is stated: "And I (Allâh) created not the jinn and mankind except that they should be obedient (to Allah)." (Qur'an 51:56). Earthly life is merely a test, determining one's afterlife, either in Jannah (Paradise) or in Jahannam (Hell). The Qur'an describes the purpose of creation as follows: "Blessed be he in whose hand is the kingdom, he is powerful over all things, who created death and life that he might examine which of you is best in deeds, and he is the almighty, the forgiving" (Qur'an 67:1-2). So, a viceroy (human) is sent to the earth (Ardha in Arabic means 'habitat of humans') for a test period. If he carries himself well, he gets to return to heaven, if not he goes to hell.

Figure 2 demonstrates how when one is able to realize their objective of life, their actions are based on that objective. This would be what a viceroy would use to be constantly vigilant of what he requires to do in order to conform to the job description. Hence, if the objective and nature of life is pro- humanity, such actions will follow.

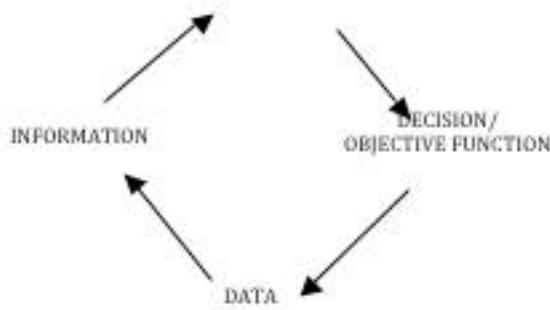


Figure 2. The operative axis of a viceroy.

Does a human have to have a fair chance at going to heaven? In Islam it is believed that humans are created with best of features (Quran 95:4), even the word ‘human’ (*insan* in Arabic) meaning ‘adorable’, ‘trusting’, yet forgetful. This notion of forgetfulness makes it a test, a perfection would be impossible to test. However, this ‘weakness’ is anything but a description of ‘original sin’—such a theoretical conception is directly opposed to the Islamic theory of ‘fitra’, human traits that naturally flow towards good and consciousness.²⁸ In fact, it is logical that the Creator equip humans with qualities that prepare them to be a viceroy. For instance, a good King would send a good person to represent him as a viceroy. What is a good viceroy? He keeps in contact with the King (‘*salah*’ in Arabic and *yoga* or *joga* in Sanskrit both mean “communication”), manages the finances with utmost care (generosity and charity is fundamental trait that is mandated), and acts the same manner the King would have acted in case the viceroy were not there.

So, how does one act like the King? He follows the king’s traits. How is that trait embedded? The word ‘*deen*’ in Arabic and *dharma* in Sanskrit both mean ‘natural traits’ (and not religion as commonly mistranslated). It is also logical that a good King would prepare his viceroy well and give him enough provisions to fulfill his job. Finally, for him to be held accountable, a viceroy must have certain freedom. Islam gives the freedom of intention, whereas everything else (including provisions) are a part of the universal order for which he has no accountability. The first Hadith of the book of *Bukhari* states that a man will be judged for his intention. In addition men are equipped with 99 good traits that are similar to Creator’s, albeit at minuscule level. Let’s review some of the traits:

1. Ar-Rahman (literally means ‘a womb’ that extends to infinity in space). Humans are, therefore, born with *Rahma*, the simplest translation is 'empathy' for everyone and everything;

2. Ar-Raheem (literally means ‘a womb’ that extends to infinity in time). Humans are, therefore, born with empathy at all times;

3. Al-Malik (literally means ‘the owner of everything’). Humans are, therefore, born with one item that they have full control over. This happens to be intention. It is logical, because first hadith of Book of Bokhari confirms, we'll be judged by our intention. Now, does this ownership risk violating universal order? No. Intention has no continuity with anyone other than the individual whose intention is in question. So, what it does is gives people the freedom to intention, without disturbing the universal order, thereby holding him responsible for the intention that he had full control over;

4. Qur'an names a total of 99 such traits of the Creator and asserts that humans are created with those qualities so they are prepared to be the viceroy of the creator.

In both Hinduism and Islam there are Godly ideal role-models and traits in which the purpose of life (more emphasized in Islam) is to represent the creator. Hence, the idea of a human being was that of naturally good actions, actions which have been ‘good’ by the originator of creation—the creator. So where did this conception of humanity go wrong? Chronologically speaking, the first major distortion of this understanding of human life was imparted by the Roman Catholic church. Metaphorically speaking, this distortion would akin to the development of “sugar” following the HSSA degradation (i.e., indicative of the origin of the degeneration of sweeteners: in our case, of humanity).²⁹ Although Islam accepted Jesus as a prophet or messenger sent by Allah, Islam did not recognize Jesus as Son of God and therefore could not accept Christ as standing at the centre of recognizing Allah. Yet, this was not the most critical difference.

The critical difference as far as religious doctrine was concerned lay elsewhere and went beyond the realm of purely religious doctrine. At the core of real Muslim-Christian differences lay the fact that Muslim outlook did not exclude the possibility that social and individual conditions of the believers were neither necessarily eternal nor static, and that the effort to harmonize and sort out internal differences under such conditions could strengthen the internal unity of a Muslim community. For Christians, prior to the Reformation, all this was absolutely incompatible with their religion’s conception of Original Sin. This doctrine, which in itself holds out no hope for reconciliation of any kind among individuals or reunification of community purpose, is a defining feature of Christian belief. Indeed, Christian observers of the apparent internal cohesion of most Muslim communities over the period of the Moorish empire preferred to interpret these phenomena as evidence of mass submission to rule under a variant of oriental despotism. Allan Keith notes that horrific crimes, bloodshed, war, oppression, suppression against people by Christians and others—what we may term ‘crimes against humanity’—has been justified and tolerated (i.e. encourages passivity) due to the Christian conception that humans are being punished for their original sin.³⁰

Throughout this period of the rise and spread of Islamic belief and the spread of Islamic rule, the Christian religious community itself was also divided or even crumbling. On the one hand, there were the followers of the Bishop of Rome, designating himself as Pope in most of Europe. On the other hand there were the followers of the Eastern or Greek Orthodox rite in Greece, Russia and parts of the Balkans influenced by Russia.

Life's purpose in Christianity is to seek divine salvation through the grace of God and intercession of Christ (cf. John 11:26). The New Testament speaks of God wanting to have a relationship with humans both in this life and the life to come, which can happen only if one's sins are forgiven (John 3:16–21; 2 Peter 3:9). It is at this point where dogma comes into play and the nonsensical argument emerges as: "I (God) am going to create man and woman with original sin. Then, I am going to impregnate a woman with myself as her child, so that I can be born. Once alive, I will kill myself as a sacrifice to myself. To save you (humans who accept me as the 'savior') from the sin I originally condemned you to".

If the only reference to Christianity one gives is the Bible, then one finds out that there is no such thing as bible (the book) that has 40 varying translations in English alone. How has that dogma changed when 'enlightenment' came in terms of western philosophy? In terms of the origin of universe, the big bang theory, the introduction of quantum nature, multiple (numerous) history of each point, nature as the creator of 'numerous universes', and even the definition of what's true and false has introduced a logic that is more illogical than dogma. What dogma did is introduced one aphenomenal standard,³¹ whereas the 'western philosophers' have introduced numerous such standards. The scientific equivalent of this transition is a quantum leap from bipolar to multipolar (schizophrenia) and is best described as 'deliberate schizophrenia'.³²

In fact, similar to the cognition found in Figure 1, the fact that Christianity has a negative interpretation of the purpose of life—that we are naturally evil and deserve our material misfortunes—and that the way to remove the evil is through faith (and not action)—i.e., the lack of a systematic criteria to behave and act in a manner that is coherent with God as well as society (as we demonstrated Islam and Hinduism do, and as we show the ancient Greeks have)—there are fertile grounds for the insertion of immoral material pursuits that can suppress humanity. In other words, because Christianity and its actions lack a holistic approach of action in this world based on the objective set by the creator, political manipulation and economic systems can occur even when people are practicing the religion of Christianity. This is what we call the "trinity model" in which the original sin doctrine gave birth to the trinity model of religion. This trinity model, based on a lack of appreciation for humanity and involvement in the material (societal, political economic) sphere of life, fuelled the alternative material trinity that developed: the government, society, labour, all based on devotion to money. Similar to Marx's theory of materialism,³³ it is in abstract and historically true that Christianity is disconnected from the purpose of the creator (original sin) and lack of it allowed for the existence of the material trinity found in Figure 3. A comprehensive of Christianity in abstract and in history is beyond the scope of this paper but would be a timely supplement to our comments here.

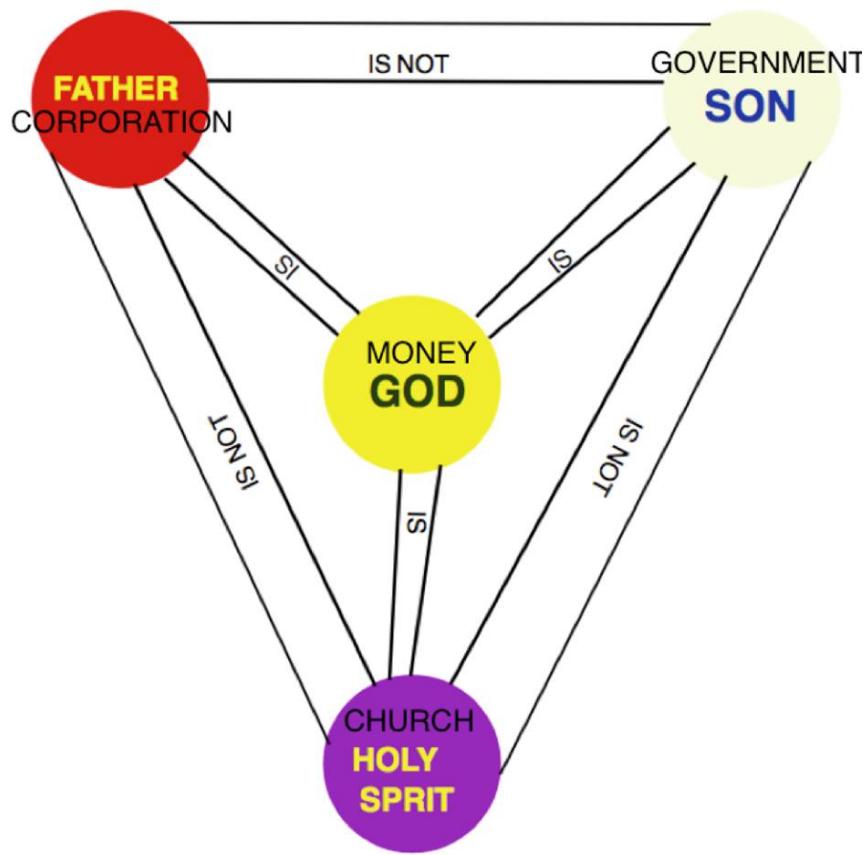


Figure 3. The material trinity.

As an example of false-premise based deduction in the natural sciences, one can cite the word ‘quantum’. In physics it means: a) The smallest amount of a physical quantity that can exist independently, especially a discrete quantity of electromagnetic radiation; and b) This amount of energy regarded as a unit. This formulation that starts with the false premise that something ‘independent’ can exist in nature disconnects mass and energy matter and renders subsequent build up irrelevant. Apparently, such ‘isolation’ is necessary to observe phenomena. However, the invoking of a false premise and subsequent truncation of history render the entire process aphenomenal. This has been going on for millennia. Ever since the concept of atom that was thought to be fundamental particle of even thought material or God, scientists have only made the scope of atom bigger or smaller, both ending up with an aphenomenal point. In the smaller scale, it has ended up with Higgs boson of zero mass, and on the larger scale, it has become Big bang of a infinitely small object with infinitely large mass. Yet, scientists are celebrating the ‘discovery’ of these particles.³⁴ Both scientists (as demonstrated here) and religious scholars (as demonstrated through the proposition of the original sin) have developed concepts of what they believe to be the ‘true’ first premise, and both have justified externally observed phenomena by their first premises which themselves have not been conformed true. This leads to us finding

logical inconsistencies in the respective theories, as well a disconnection (in Christianity's case) from the human conscious and its surroundings (through the original sin concept).

After the introduction of dogma, it has been all downhill. The purpose of life has been reduced to 'be happy', 'have fun', 'live to the fullest' (translation: Maximize pleasure and minimize pain). Everything in history has been reconstructed to support this latest notion of the purpose of life. For instance one can cite the example of Antisthenes, a pupil of Socrates. He is known to have outlined the themes of Cynicism, stating that the purpose of life is living a life of Virtue which agrees with Nature. Happiness depends upon being self-sufficient and master of one's mental attitude; suffering is the consequence of false judgments of value, which cause negative emotions and a concomitant vicious character. This philosophy has no contradiction with the purpose of life outlined above. In fact, it is further stated that Cynical life rejects conventional desires for wealth, power, health, and fame, by being free of the possessions acquired in pursuing the conventional. Once again, there is no contradiction with the status of humans being 'viceroy'. However, how is this interpreted by New scientists? It is said: "as reasoning creatures, people could achieve happiness via rigorous training, by living in a way natural to human beings. The world equally belongs to everyone, so suffering is caused by false judgments of what is valuable and what is worthless per the customs and conventions of society." Then it is described whatever comes naturally is called 'natural' and whatever gives one instant pleasure and quick short-term victory is valuable, turning everything into a race for pleasure in this world.

Instead of finding a purpose of life and adjusting life's difficulties around it, removal of the concept of a creator has paved the road for philosophers to claim that something is natural, and hence good, when it occurs physically (or even such that it "feels" natural or good). This idea has led to human thought to be disconnected from a) the truth (what God wills from people), and b) humanity: people who subject external phenomena to their own subjective beliefs regarding the universe. This explains how Christianity can ignore and even justify human suffering around the world—through the unfounded and illogical conception of human sin—, and how, on the other extreme, physical pleasure can be a dictator of morality.³⁵ This is complete disconnection from the purpose that was known since the beginning of time.

Another case in point is: Epicurus, a pupil of Pamphilus of Samos. He allegedly taught that the greatest good is in seeking modest pleasures, to attain tranquility and freedom from fear (*ataraxia*) via knowledge, friendship, and virtuous, temperate living; bodily pain (*aporia*) is absent through one's knowledge of the workings of the world and of the limits of one's desires. This is entirely consistent with the original purpose of human life as stated earlier in this section and is supported by numerous verses of the Qur'an (e.g. 79:37-41). However, later interpretation took it to the other extreme making it in line with Roman Catholic church's stance on self-emollition and avoidance of social responsibilities and such conclusions were made: "Combined, freedom from pain and freedom from fear are happiness in its highest form. Epicurus' lauded enjoyment of simple pleasures is quasi-ascetic "abstention" from sex and the appetites".³⁶

Another example of morality devoid of being based on a purpose of life, is the evolution theory that characterizes humans as a continuity in the evolution of animals. The first person to posit the theory of natural selection and the co-discoverer of the theory of evolution by natural selection with Darwin, Alfred Russel Wallace, did not think human evolution could be explained solely in terms of adaptation processes, at least as far as human cognition and behaviour was concerned. This cost him his scientific reputation because science is run by elites who keep ancient knowledge to themselves. Darwin was less specific in theorizing why he also acknowledged man didn't fit the model like the other animals. We got upgraded, and when genius scientists like Wallace speak the truth they are rendered invisible by the media, and black balled rim academics, a wholly corporate subsidized enterprise. Today, we have Stanford scientists perpetrating the notion that homosexuality is natural because more than 400 species practice part-time homosexuality. Similar to supporters of dogma, they cannot answer why incest or zoophilia is not natural. In the mean time, the likes of Dawkins freely talk about pedophilia being natural while other talk about incest being natural.³⁷ The purpose of this article is not necessarily to denounce any of the presented beliefs, but to point out the logical mess humankind has gotten into in both social and natural sciences once scholars devoid their study from the purpose of creation, providing some sort of grounding of morality and consciousness.

The ‘enlightenment’ phase of European history made the entire process of fulfilling purpose of life travel further down this very degradation route. The original purpose was perverted by the Roman Catholic church to be ‘salvation through Jesus’ – a dogma the post ‘enlightenment’ replaced with notions of inalienable natural rights and the potentialities of reason, and universal ideals of love and compassion gave way to civic notions of freedom, equality, and citizenship. There, the definition of ‘natural’ and ‘universal’ remained arbitrary, devoid of any reasoning of logical thought: even if some universal ideas of rights and justice could be discerned, there was a lack of justification as to why they should be accepted. This leads to the human mind being unable to realize which part of a theory can be considered ‘moral’, and what is not considered ‘moral’.

Being unable to tell the difference between what is logically moral and immoral lead to the notions of ‘freedom, equality, and citizenship’ to merely be assumptions of righteousness. These assertions then became dogmatic and unjustified. This has lead to our modern era, which we can characterize to be the era of a rollercoaster ride of spiralling down of all values through a successive degradation through ever more lunatic dogmas and false premises listed below, each of which are equally unjustified. If you recall, they are unjustified on two grounds: a) the fact that they are assumptions used to channel observed phenomena, and not objective conclusions; and b) the fact that they are disconnected from a fundamental root of the purpose of creation—which can provide as a moral grounding.

1. Classical liberalism (humans as beings with inalienable natural rights (including the right to retain the wealth generated by one's own work), and sought out means to balance rights across society. Broadly speaking, it considers individual liberty to be the most important goal, because only through ensured liberty are the other inherent rights protected.)

2. Kantianism (all actions are performed in accordance with some underlying maxim or principle, and for actions to be ethical, they must adhere to the categorical imperative. Kant denied that the consequences of an act in any way contribute to the moral worth of that act, his reasoning being that the physical world is outside one's full control and thus one cannot be held accountable for the events that occur in it.)
3. Utilitarianism ("Nature" has placed mankind under the governance of two sovereign masters, 'pain' and 'pleasure', then, from that moral insight, deriving the Rule of Utility: "that the good is whatever brings the greatest happiness to the greatest number of people")
4. Nihilism (Life is without objective meaning. A natural result of the idea that God is dead, and insisting it was something to overcome. This is fighting the God that is now 'dead')
5. Pragmatism (Truth is whatever works, and "only in struggling with the environment" do data, and derived theories, have meaning, and that consequences, like utility and practicality, are also components of truth. Purpose of life is discoverable only via experience.)
6. Theism (God created the universe and that God and humans find their meaning and purpose for life in God's purpose in creating.)
7. Existentialism (Each man and each woman creates the essence (meaning and purpose) of his and her life; life is not determined by a supernatural god or an earthly authority, one is free.)
8. Absurdism (the Absurd arises out of the fundamental disharmony between the individual's search for meaning and the apparent meaninglessness of the universe. As beings looking for meaning in a meaningless world, humans have three ways of resolving the dilemma: 1) Suicide; 2) "Religious" belief ; and 3) Acceptance of the Absurd).
9. Secular humanism (the human species came to be by reproducing successive generations in a progression of unguided evolution as an integral expression of nature, which is self-existing. People determine human purpose without supernatural influence; it is the human personality (general sense) that is the purpose of a human being's life.)
10. Logical positivism (the question: what is the meaning of life? Is itself meaningless)
11. Postmodernism (seeks meaning by looking at the underlying structures that create or impose meaning, rather than the epiphenomenal appearances of the world.)
12. Naturalistic pantheism (the meaning of life is to care for and look after nature and the environment).

Overall, the decline of human values can be summarized in the following transition.

The purpose of life is to be the creator's viceroy (and therefore have Godly moral qualities) → fallen sinner with original sin in need of salvation → inherently selfish and stupid (as part of the animal kingdom) → inherently selfish but intelligent → self sustained and capable of controlling his surrounding to maximize pleasure and minimize pain.

4 The Truth Criterion

At the core of this discussion of the purpose of life, humanity, values, and deconstruction of first premises, is the notion of truth: how can we know the difference between truth and falsehood? This question is especially important in knowing how and why something can be moral or immoral. In 2006, the lead author posed the question "What is true?" with the aim of uncovering and specifying the various ways of distinguishing truth from falsehood. After six months of research, the following criteria for truth were developed. This logic was used to define natural cognition or natural material or natural energy as follows:

- a) there must be a true basis or source;
- b) the truth itself must remain non-refuted continuously over time (it must be absolute); and
- c) any break in its continuity or a similar exception must be supported by a true criterion or bifurcation point.

The third-mentioned item in the above list sets scientific cognition apart from doctrinal or dogmatic cognition; namely, that logical discontinuities and observations in phenomena must and can be supported by other truths. Notwithstanding the longstanding general acceptance of the distinction that Thomas Aquinas is the father of doctrinal philosophy and Averroes³⁸ (Ibn Rushd) the father of secular philosophy, our research uncovers the fact that, regardless of the claim to be operating on an entirely secular basis utterly disconnected from 'religious bias' of any kind, all aspects of scientific developments in modern Europe have been based on doctrinal philosophy. If the assumption that modern New science is based on non-dogmatic logic is set aside, it becomes clear that, precisely because so many of its original premises are unreal/unprovable, unnatural or non-existent, modern science is full of paradoxes and contradictions.

In other words, the degradation of science and political philosophy from Roman Catholic times to the modern day is solely due to the use of dogma-based philosophy in which philosophical traditions are discussed and accepted prior to accepting the foundations (the premise) of that philosophy to be true. Unless there is an absolute truth one derives cognition from, it is impossible to have ethical grounding in any subject matter, including the natural sciences. On the topic of humanity, based on the down-spiralling history of political philosophy, the disconnection of the human conscience and human morality—humanity—occurred historically when people disconnected the purpose of their creation (or belief of their purpose) from their actions.

5 Conclusion

The first part of this article attempt to develop a relevant framework as to how one can conceive of logic and cognition so as to be able to eventually conceive of holistic theory of humanity. In terms of cognition, we reviewed the several components of objective cognition and how objectivity—that is, lack of a non-discerned first premise—is needed to come up with a theoretical conception of anything, including humanity.

Specifically discussing humanity, the bulk of this article focuses on how without God, or at least a discernible purpose of creation, it is impossible to objectively or purely analyze any phenomena, as there will always be an existence of a first premise distorting the reality one sees. We also show that Christian, enlightenment, and post-enlightenment philosophical traditions paved the road for the major roadblock in the search of morality—the existence of both unproven and illogical first premises that distort the purpose of human existence end up distorting what humans are “supposed” to do, and consequentially, what humanity is. Islam, Hinduism, and ancient greek philosophy were analyzed and deemed logical due to the fact that they acknowledged a purpose of life and based their actions (human actions) on it—these actions collectively defining humanity. It is however important to note that, as perhaps Derrida and Kierkegaard imply along the post-Kantian tradition,³⁹ any conception of God what God believes to be moral is in fact moral. This allows anybody to claim a subjective version of morality—this problem is addressed in the next part of the paper.

Finally, we pinpointed the origin of Godless material ethics with Christianity, due to the faulty concepts of the original sin and the Christian trinity. Afterwards, centuries of so-called secular ethics destroyed the ancient concepts of humanity being an attempt to imitate Godly qualities. Classical liberalism, utilitarianism, Nihilism, and their respective first premises have overwhelmed philosophical discourse and created room for actions and policies to be justified on those grounds, irrespective of whether or not truth-based ethics were followed (or with deliberate disregard for it). This article pinpoints the fact that ethics started off with the need to imitate God—the purpose of life—and that later discourse polluted these innocent ideologies with their illogical first premises. The next part of this article looks at re-constructing a logical and ethical definition and framework for humanity.

6 Acknowledgements

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³⁵ This Benthamite philosophy—being devoid of God as found in any of the great religions—proposes that something is ‘good’ when it maximizes pleasure and minimizes ‘pain’. We see below that without a dictator of absolute standards, we can develop any theory of morality we believe to be true, without actually being able to conform whether or not it is true. Unlike which is the case in Hinduism, Islam, and Greek Stoic philosophy, when one cannot pinpoint what God believes to be natural and good for humanity, any number of people can claim to have the absolute truth.

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Contrasting Political Theory in the East and West: Ibn Khaldun versus Hobbes and Locke

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ABSTRACT

Recent developments in our globalized world are beginning the scholarly world to answer the question pertaining to the relationship between Islam—a “faith”—and politics and governance. In order to understand the Islamic worldview from the perspective of Ibn Khaldun, with whom many modern Islamists would agree with, a comparison is made with early progenitors of liberalism and the social contract, John Locke and Thomas Hobbes. By understanding the fundamental differences between the theorists, and how Ibn Khaldun’s is completely separate from the western tradition, it becomes easier to understand exactly why Islamic models of governance are at direct odds with the west. The main difference between the two models of governance is the use of a fundamental criteria determining right from wrong, as opposed to Hobbes’ and Locke’s theories being based purely on assumption that the validity of their respective arguments is based upon the theory’s acceptance among the people. In other words, western political theorists lack the consistency and justification for their theories, at least from the Islamist point of view.

Keywords: Ibn Khaldun, Political theory, Islamism, Democratic Islam, Islamic liberalism

1 Introduction

ABD AL-RAHMAN IBN MUHAMMAD IBN KHALDUN, popularly known as Ibn Khaldun, is considered to be one of the greatest empirical social scientists of history. Some western scholars consider him to be the founder of the field of Sociology, specializing in modern empirical methods of deduction^{1,2}. Ibn Khaldun pre-empted many enlightenment and renaissance-aged thinkers. His major work is the *Muqaddimah* (1377), or ‘Prolegomena’, which clearly lived up to

its name, recognized as a prolegomena to political science, ranging from world history to social Darwinism.³

This article sheds light on the fundamental philosophical differences in various political models. Ibn Khaldun's political theory is contrasted with those of Hobbes and Locke, based on their works titled *The Leviathan* (1651) and *Two Treatises of Government* (1689), respectively. It analyzes the premises of the three scholars regarding the principles upon which they build their foundational political theories, and then discuss the issue of the applicability of these premises in the real world. The immediate implications of this article is in introducing an entirely new paradigm into political thought in view of the current status of world politics. It is a potent demonstration of how Islamic political thought plays out in relation to that of the west, providing further understanding as to why and how policies (like foreign policy) are governed by Islamic principles. More importantly, it questions the entire strand of western political thought based on questioning its grand foundations.

It should be noted that while a brief and generalized analysis is awarded to the political theorists, the purpose of the article is to pinpoint the foundational assumptions of their theory—not to analyze each and every branch emanating from their respective assumptions. The article starts with an examination of the individual premises of Ibn Khaldun, Hobbes, and Locke, and then compares them on both theoretical (logical) and practical (application) planes of logic.

2 The Fundamental Premises of Ibn Khaldun

Ibn Khaldun is most known as an empiricist, having based his theories around hard facts.⁴ However, similar to his predecessors, such as Averroes (1126-1198), who is recognized as the 'father of secular philosophy in Europe',⁵ Ibn Khaldun's first premise was the Islamic declaration of faith, "There is no deity but God, and Muhammad is His Messenger," being a devout Muslim⁶. This premise founded Ibn Khaldun's government model, assuming that the prophet of Islam, Muhammad, is the "lawgiver" and, therefore, the Islamic Caliphate he founded was the model form of government⁷. We see the impact of this fundamental premise when in Muqaddimah, Ibn Khaldun talks about human civilization, Bedouin civilization and tribal codes, the effect of climate and physical environment on the behaviour and formation of people, psychological factors influencing the behaviour of people (the famous 'Asabiyyah theory),⁸ the formation and destruction and maintenance of royal 'dynasties', economics, etc. Logical explanation of each of these events could be found through deductive reasoning starting from the first premise. For Ibn Khaldun, the notion of Justice, be in a 'Just society' or 'Just war', was embedded in the first premise that takes Allah (Creator) as the ultimate Justice and His messenger, Muhammad as the lawgiver that assured justice.

There are some scholars that believe Ibn Khaldun's premises were strictly secular. While may be true for Christianity that shunned science, this does not apply to Islam whose holy book has the word 'science' (ilm in Arabic) as the second most frequently used word.⁹ Rabi¹⁰ points out how

misinterpretation, along with prejudicial “modernization” of Ibn Khaldun’s terms and concepts led several European authors to go the extreme of equating Asabiyyah with nationalism. Such criticism was pre-empted by Gibb.¹¹ In Gibb’s words, such mischaracterization “arises from a misapprehension of his [Ibn Khaldun’s] outlook, especially in its relation to religious questions”¹². Gibb had his own share of misinterpretation and prejudices¹³, but in matter of his analysis of political power and divine rule, there was no ambiguity. In fact, according to Gibb, “it is impossible to avoid the impression that Ibn Khaldun, besides setting out to analyze the evolution of the State, was, like the other Muslim jurists of his time, concerned with the problem of reconciling the ideal demands of the Shari’ah (God’s prescribed pathway) with the facts of history. The careful reader will note how he drives home the lesson, over and over again, that the course of history is what it is because of the infraction of the Shari’ah by the sin of pride, the sin of luxury, the sin of greed. Even in economic life it is only when the ordinances of the Shari’ah are observed that prosperity follows.”¹⁴¹⁵

Gibb points out the belief of Ibn Khaldun as to what will occur in absence of Shari’ah, “it is condemned to an empty and unending cycle of rise and fall, conditioned by the ‘natural’ and inevitable consequences of the predominance of its animal instincts. In this sense Ibn Khaldun may be a ‘pessimist’ or ‘determinist’, but his pessimism has a moral and religious, not a sociological basis.”¹⁶ Note that this division between moral and sociological category does not conform to Islamic cognition that draws no distinction between morality and science.¹⁷ Islam et al.¹⁸ summarized Ibn Khaldun’s philosophy,

“Ibn Khaldun got his inspiration from the Qur’an that defines humans as the Viceroy (khalifah) of the Creator (e.g. 2:30 of the Qur’an specifies man’s role as the viceroy), charged with law and order on Earth that seems to be abandoned not notwithstanding the grand plan of the Creator in the form of universal order. This outlook is clearly different to the Eurocentric notions, ranging from the vastly discredited ‘original sin’ to widely accepted ‘evolution’ theories that detach human conscience from its functioning in a society.”¹⁹

From the above fundamental premise of Ibn Khaldun emerges the role of Caliphate as the model or ideal community that in his word rules by shari’ah, the divine set of laws that is deduced from the Qur’an and hadith. The Caliphate system of government is the standard and ‘right’ system of government, and all empirical findings and data interpreted are tallied against an external standard. An “external standard” means that the standards by which a theory is built upon is insulated from the belief of a person that often sets an internal standard. The lack of such standard can lead to spurious cognition pattern,²⁰ criticized as ‘deliberate schizophrenia’ by some authors.²¹ The external standard grounds empirical findings and becomes the impetus for single-solution outcomes. The presence of such external standard will prove to be the key determinant in creating bifurcation of Ibn Khaldun’s model from Locke’s or Hobbes’ models. In absence of this standard, his theory explained the rise and fall of empires. For Locke, Hobbes etc., the standard is in subjective or subject to change.²²

3 The Premises of Thomas Hobbes and John Locke

Hobbes believed that people are naturally prone to competition, including violent competition, fighting out of fear, and seeking out reputation. The Leviathan, after eloquently describing these qualities of men, summarizes:

“So that in the nature of man, we find three principal causes of quarrel. First, competition; secondly, diffidence; thirdly, glory,” and that people therefore use violence to “to make themselves masters of other men’s persons, wives, children, and cattle; the second, to defend them; the third, for trifles.”²³

The logic is that because some have these qualities at times, people are in a constant state of war, and that as a result is “continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.”²⁴ This occurs as long as there is no authority or “sovereign” to govern them.²⁵ Therefore, there is a need for people to get together and create an non-revocable covenant to create a sovereign (person or office) that takes all the rights of the people with the exception of self-preservation, in order to establish peace and order.²⁶ Herein lies the fundamental premise of Hobbes that pertains to how to derive a ‘standard.’ In search of such standard, Hobbes invoked the possibility of having a process that can select a sovereign based on consensus. By ceding power to the sovereign, the general public is no longer a party to the process of creating and enforcing laws. This means that the standard or grounding starts from the self (internal standard) to create an arbitrary external standard.

Locke, on the other hand, had a different perception of how government should be set up and operated, as well as how the standards to be enforced by the government. Locke being considered the ‘father of classical liberalism’, it is safe to assume that he was in favour of creating government by consent²⁷. In terms of creating a political standard, Locke’s notion of universal natural law contrasts sharply with that of Hobbes for whom the laws have the single purpose of the creation of the sovereign. Also, Locke believed that sovereignty is in the people in contrast to Hobbes that believed in sovereignty belongs to the Sovereign. Locke believed that ‘god’²⁸ endowed man with natural laws that govern people in a state of nature²⁹. From this, our fundamental rights are derived from the premise, “no one ought to harm another in his life, health, liberty or possessions; for men being all the workmanship of one omnipotent and infinitely wise Maker”³⁰, which we have a right to defend and punish transgressions³¹. When people get together and set up government by their consent, the government is to provide these rights to the people and enforce the law for the “common good”.³²

Consequently, the limit to Locke’s government is that the people have the right to revolt against the government and change their legislators when they act against the purposes for which they were elected³³. From these thoughts, we may derive two premises upon which theories of government and governance are based; a) the sovereignty lies in the people, and b) Nature

dictates what is right and wrong; while government serves the purpose of ensuring these rights and being the common authority that enforces these rights.³⁴

4 Comparing Standards

When it comes to Ibn Khaldun's political grounding (standards), there is observed logical consistency, based on the logically (deductively) connected major premise (there is a unique deity, God) and minor premise (Muhammad is His messenger), and the model government, Caliphate, formed by the prophet, the 'law-giver'. This is tied to the notion that the purpose of humans is to be the viceroy of the creator, charged with law and order, and being accountable for only their intention. Therefore, the source of all rights is the creator, who explicitly delegated limited rights to His designated Caliphs, selected by the most righteous humans as per the standard of the Qur'an and the Hadith.³⁵ The purpose of the Caliph and the system is to be "a substitute for the lawgiver (Muhammad) inasmuch as it serves, like him, to protect the religion³⁶ and to exercise leadership over the world".³⁷ It is derived then that according to Ibn Khaldun, the ultimate source of law and power is God, political power comes from 'religion' of God.³⁸

Although outwardly similar to Ibn Khaldun's, Locke's model poses a problem, as Grant put it, when "the people consent to a form of government or to a government action that does not protect the lives, liberties, and property of the subjects", as "without a clear articulation for the relation between claims based on the origin of power, consent, and claims based on its ends, protection of life, liberty, and property, we cannot identify legitimate authority."³⁹ Similarly, Kendall opines on the issue of majority sovereignty:

"[T]he inalienable rights of the individual prove to be merely those which the majority of the people have not yet seen fit to withdraw. The 'proper interest' of each individual lies in obedience to a law decreed by a legislative which, as we have seen, is presumed to enjoy the confidence of the community; but since the majority can act for the community, and can thus exercise the community's right of revolution and its right to replace the old government with a new one to its liking, the proper interest of the individual becomes merely unquestioning obedience to the will of the majority..."⁴⁰

This inability to derive a standard for law - a criterion to differentiate between right and wrong - is a problem that has significant practical concerns, as will be detailed in the following section.

Relevant to Islamic political thought, it is interesting to see that John Locke's model gives rise to two logical paradoxes. The first is in regard to natural law; there is a discontinuation between God's intended natural law, and Locke being the definer of natural rights. In other words, there is no logical connector of Locke to God (or to nature), no connection to make him the rightful interpreter of the "infinitely wise maker". As a consequence, Locke gives no elaboration onto what may be considered moral and immoral.⁴¹ The second paradox is the problem identified by

Grant earlier that lies within identifying the ultimate authority of law (the sovereign) as the people, and acknowledging a natural law that is above everything else. We see that the exact criteria by which natural ends and popular sovereignty begins is ambiguous, to say the least. This is in stark contrast to Ibn Khaldun's model, discussed below.

What is perhaps even more interesting is that the same central argument Locke used against Robert Filmer (1588 -1653) applies to Locke himself. Filmer argued in his major work, *Patriarcha* (1680)⁴² that God gave Adam sovereignty over the earth (the divine right to rule), and that this right is delegated from Adam to his descendants, thereby creating a divinely-backed 'absolute' monarchy-similar to how natural rightful paternal authority works. Locke deconstructs this Biblical justification in his First Treatise of Government, identifying the disconnect of the pattern of authority moving from God to Adam, and to his descendants. A representative example of an argument could be him stating that the Bible did not really specify that Adam was given the right to rule over people, but rather, over "the fish and the fowl."⁴³ Locke's own argument follows discontinuity of equal rigour.

Hobbes' model entails the formation of only one type of government, a tyrannical and authoritarian one (to say the least).⁴⁴ Once set up, the rights (with an exception to self preservation) of individuals are given up to the sovereign that becomes the legal standard. There are two main problems that we encounter in Hobbes' theory regarding its logical continuum. The 3rd of Hobbes' 19 laws of nature state that people 'ought to set up a sovereign',⁴⁵ which leads to groups of people choosing their own sovereigns, each sovereign creating its own standards of law. This implies that; a) there may logically be several different legal standards for one human race, and; b) the sovereign itself is able to exercise tyrannical power, to oppress and suppress the people who set him up, an extraordinary amount of optimism is put into the notion of the sovereign not abusing his power,⁴⁶ which may eventually lead to internal chaos, and; c) even if the sovereigns of the world are all righteous, there is nothing stopping endless warfare between states⁴⁷, posing obvious problems that Hobbes himself would seem averse to (as the purpose of the state is to create peace and order). Note that this dichotomy arises from the assumption that the only two options for humanity is to either descend into a constant state of war, or to have a sovereign dictate everything to the people. If this assumption is false, there is absolutely no basis for the rest of Hobbes' theory. In stark contrast, Ibn Khaldun's model starts off with a global standard that not only provides a domestic solution, but a global one as well. As Figure 3.1 depicts, Hobbes' theory can be seen as a 'last-ditch' attempt to solving the problem of forming a government in absence of global standards. Therefore, people are disconnected from their purpose, creating moral dilemma⁴⁸ and logical fallacies. For example, different people, even proximal neighbours, can have radically different notions of "right" and "wrong" imposed upon them, leading to what constitutes "right reason" according to Hobbes.

It is important to understand that these theories—not to claim the modern commentators suggest otherwise—are not concrete and fully developed and thought out with complete logical and objective thinking. There is room for "progress" and straightening out of logical problems. This,

however, Ibn Khaldun would disagree with. Ibn Khaldun believed that there is an ultimate truth and dictator of moral values, grounded in the Qur'an, whose validity it itself. This is the line of thought endorsed by Islamists, who pose the famous question to their fellow Muslims: "would you rather live by God's law in the Qur'an, or man-made law of people subject to change?"

Figure 3.1 depicts the direction of 'legal derivation', the process by which law is discerned, for each of the theorists' models. Ibn Khaldun's model is straightforward in the direction of legal derivation with a standard. Hobbes' model is also straightforward and similar to that of Ibn Khaldun's, but in the opposite direction (legal derivation without a global standard), because the standard (the sovereign) is created by individuals and then sovereign itself. Note that this standard does not apply globally, or even nationally, in fact, even the smallest of communities can create their own standards. Conversely, this model takes us into the direction of the opposite of the goal of a global order, into an order that fosters chaos. Hobbes' derivation is much more rapid and starts earlier than Ibn Khaldun's (and Locke's), as the so-called laws of nature he speaks about are merely a justification to create an all powerful sovereign (as rule #3 states). As the graph depicts, Hobbes' model swerves in the direction of legal derivation relatively earlier in time, because the purpose of his natural law is to create government as fast as possible. Locke's model starts off in the direction of Ibn Khaldun's, when discussing a universal natural law and possibly a future vision for mankind, but cuts off and goes into the direction of chaos. This is inevitable when there is no defined logical criterion to determine if an action is "moral", "just", or "ethical". This progression is similar to what Ibn Khaldun termed as deliberate departure from shari'ah, in which case humans behave like animals, meaning without purpose and the society falls into chaos or anarchy. In essence, both Locke and Hobbes have only looked into the chaotic model (in absence of adherence to shari'ah), albeit attempting to retrofit it as a standard model, leading to the absurdity of Caliphate without shari'ah and humans without conscience.

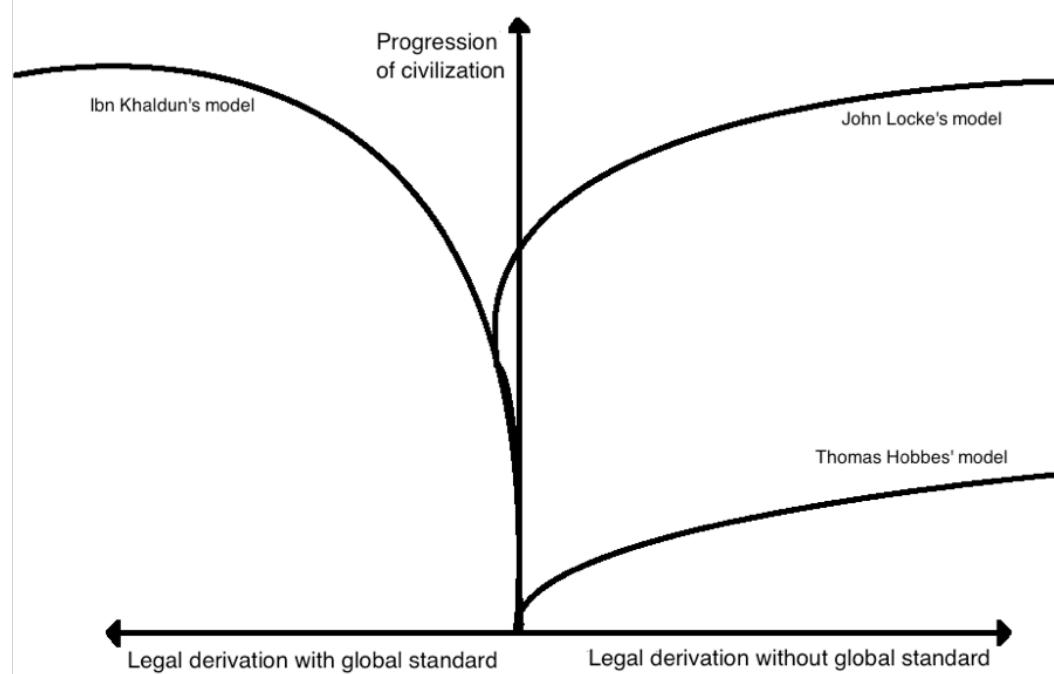


Figure 3.1. Depicts the legal derivation directions of the three theorists' model government models.

The above discussion regarding the relegation of authority is summarized in Table 3.1. As discussed, Ibn Khaldun started with believing in a major premise (God) and a minor premise (Muhammad is the prophet of God). The Qur'an, which was given by god, delegated political and religious authority to Muhammad, who himself explicitly allowed for the delegation of his authority after his death. Hence, the current Caliph, provided that he abides by God's law, is given power. John Locke believed that the law of nature is naturally manifest in nature (created by God). This natural law, through the authority of Locke himself, delegates power to the people, being the new sovereign. Government under the people has the purpose of creating and enforcing laws with the consent of the people. Robert Filmer believed that God is the source of all authority and sovereignty, and that the power was delegated to Adam and therefore to the 'kings' who are descendants of Adam. Locke uses the same argument identifying Filmer's political authority discontinuation that, in fact, applies to himself. Hobbes believed that people are all fundamentally equal, and their individual powers and rights are delegated to a sovereign given the right to do anything to maintain peace and order, with the exception of unlawful killing. It should be noted that Hobbes creates paradoxes for himself as well, discussed above.

5 Application of the models

This section is dedicated to applying the theoretical models and analyzing representative examples, in order to identify the practical advantages and disadvantages of the models.

As we discussed in previous sections, Ibn Khaldun's model is the Caliphate. It's important to know that historically, the caliphate lasted for 30 years,⁴⁹ ruled by the Khilafat al-Rashidun (rightly-guided caliphs). Ibn Khaldun saw the Umayyad and Abbasid dynasties following the rightly-guided Caliphate as absolute monarchies,⁵⁰ which, according to Okene and Ahmad,⁵¹ Ibn Khaldun himself was "repulsed" by.⁵² Ahmed Yessine observed that Ibn Khaldun saw the rise and fall of Muslim dynasties general (as many existed) to be a part of the cyclical version of history.⁵³ Indeed, this 'Shari'ah-free' state is the state of nature notion portrayed by international relations realists. Ibn Khaldun agreed with the explanation of Abu al-Hasan al-Mas'udi (896–956) discussing the decline of the Umayyads, in that many of the 'caliphs' were more concerned about their worldly pleasures, ruled with tyranny, blindness, and power was "passed to their wasteful descendants who were only concerned with the gratification of their desires and with sinful pleasures" and so on, which is how the "caliphate is transformed into royal authority."⁵⁴ One can see that Ibn Khaldun's model of the Caliphate is the original caliphate, the one that was ruled by the "most righteous" and not monarchial heirs. Ibn Khaldun's model, unlike Hobbes',

already existed, providing a continuum for jurisdiction from God to the Caliphs through Muhammad.⁵⁵

Ibn Khaldun's first claim of the Caliphate is that it would provide security and order and prevent corruption and injustice.⁵⁶ This model was personified by the life and work of Prophet Muhammad, whose influence catapulted 1000 years of unparalleled boost in knowledge.

Table 3.1. Comparison of the fundamental premises of various political models regarding the transfer of power

Theorist	Origin of authority	Transferring of authority	Where authority currently lies
Ibn Khaldun	Allah (God)	The Qur'an, considered the direct word of God, delegates authority to his prophet, Muhammad. He, directly delegated/ allowed for the transference of authority from the Prophet to the Caliph who is chosen from the most righteous (as Ibn Khaldun explained earlier)	The authority then lies with the selected Caliph, however the ultimate authority that the caliph (and people) is required to rule by is by God's law as identified in the Qur'an and <i>Hadith</i> .
John Locke	People (or God?*)	Undefined	The authority of who decides what is natural law and natural rights, the rightful structure- of government and delegator of authority (to the people) is Locke himself.
Robert Filmer	God	Undefined according to Locke and reason	Kings or 'princes'
Thomas Hobbes	People	The political and ideological authority of the state comes from the sovereign, the people delegate authority to it however the power no longer holds.	The authority would then lie in the sovereign that is given the full right to create and enforce law.

Let us examine Table 3.1. With the Qur'an as the starting point, the Islamic cognition adds an axis, that is, the practice of Prophet Muhammad, then asks its followers to time scale (*qiyyas* in Arabic) that scenario to the époque of interest and treat worldly belonging (including time) as a trust and defines human role as the 'viceroy of the creator'.⁵⁷ In other words, functioning of the government is similar to running a trust. Such governance is possible only through just and measured application of human conscience to the solving of social problems, all definitions having been standardized by the Qur'an and the life of prophet Muhammad. It also follows that most notable of his companions are the 'rightly guided' Caliphs who were elected to serve according to criteria and a process established by the prophet and his rightly-guided caliphs. At his deathbed, the prophet Muhammad made sure that the transfer of power takes place following God's prescribed pathway, known as *Shari'ah*. This process involves both nomination by the current leader and election by the electoral body made out of the most righteous ones. The leader is called, *Khalifah* (Caliph) that stands for 'viceroy', 'deputy', or 'representative' of God, who gave Qur'an as the constitutional document.⁵⁸ In today's terms, the Caliph is similar to a prime minister who reports to an Autocratic (yet Benevolent, Merciful, Forgiving) Monarch as the Monarch's viceroy. The most important feature of Caliphate is the selection of successor that would lead the world. Let's examine the traits of Abu Bakr, the first successor nominated by prophet Muhammad, who said about Abu Bakr, "If I were to take a friend other than my Lord, I would take Abu Bakr as a friend." Abu Bakr was known for his truthfulness and strong Faith in God, which forms the most important criterion of selection of a leader. Abu Bakr, in his own right, outlined the limit of the power of the Caliph. When, Abu Bakr passed away, he nominated Umar, who was later unanimously elected by the most righteous representatives of various tribes. Umar, on the other hand, nominated a group of 5 most righteous people and ordered them to nominate one Caliph who would later be elected by the most righteous representatives. Both Uthman and Ali were assassinated and there is no indication as to whom they nominated as successors. Table 3.2 shows clearly when the model Caliphate ceased to exist and monarchy was started. In summary, Ibn Khaldun's model Caliphate fulfills all criteria of benevolent governance, starting from Constitution through legislation process, selection of leader, enforcement of rule law, welfare of the society, just war,⁵⁹ national security, international relations, global peace, and overall justice.

The model of Hobbes is intellectually intriguing, as it is essentially the opposite of Ibn Khaldun's, as morals and laws are created by groups' individual sovereigns or 'mortal gods'. It is important to note that Hobbes' model was not a historical one, at least in its fullest sense, as there is no documented civilization in the state of nature where people together created a covenant to have an unconditional sovereign that would be the absolute ruler and source of law. Because of this contradiction, all we can do is to create hypothetical scenarios and analyze absolutist governments to get an idea.

There are many fundamental practical problems to Hobbes' approach. Firstly, the fact that humans are only given a choice between the state of nature or an absolutist government is simply

empirically incorrect, as people can create stable, limited governments to enforce our fundamental right to self-preservation without an absolutist regime.⁶⁰

Table 3.2. Head of state and process of social structure during Islamic era (modified from Islam et al.⁶¹)

Name of the head of the state	Timeline of head of state	Denomination	Selection process	Overall contribution
Prophet Muhammad* (570-632)	622-632 (natural death)	Prophet of Allah	Divine selection	Establish cognition at all levels, starting with the Qur'an, applied in context of <i>Hadith</i>
Abu Bakr Siddique* (573-634)	632-634 (natural death) by electors (Majlis)	<i>Rashidun</i> (rightly guided) Caliphate	Nominated by the prophet, later unanimously accepted	Continue the legacy of prophet Muhammad; crush uprising by false prophets, fought "Muslim" oppressive regimes, subjugated two most powerful empires of the time.
Umar ibn Khattab* (579-644)	634-644 assassinated by a Persian	<i>Rashidun</i> (rightly guided) Caliphate	Nominated by Abu Bakr, elected by council of electors (Majlis)	He was an expert Islamic jurist and is best known for his pious and just nature, which earned him the title Al-Faruq ("the one who distinguishes between right and wrong"). He expanded Caliphate to include Persian Empire and more than two thirds of the Eastern Roman Empire. He is recognized setting aside the Christian ban on Jews and allowed Jews into Jerusalem and to worship. He is known to have introduced numerous social benefits, including child benefit for single mothers.
Uthman ibn Affan (577 – 656)*	644-656 assassinated by a rebel group	<i>Rashidun</i> (rightly guided) Caliphate	Nominated by Umar and elected by council of electors.	Uthman was born into the Umayyad clan of Mecca, a powerful family of the Quraish tribe. He was a companion of Muhammad who assumed the role of leader (caliph) of the Muslim Empire at the age of 65 following Umar ibn al-Khattab. Under his leadership, the empire expanded into Fars in 650 (present-day Iran), some areas of Khorasan (present-day Afghanistan) in 651 and the conquest of Armenia was begun in the 640s. Some of Uthman's notable achievements were the economic reforms he introduced, and the compilation of the Qur'an into the unified, authoritative text that is known today. He introduced the notion of minimum wages for all workers.

Ali Ibn Abu Talib* (656-661)	601-661 (assassinated by 'deviant' groups)	Rashidun (rightly guided) Caliphate	Elected by prominent companions of the Prophet	Ali is respected for his courage, knowledge, belief, honesty, unbending devotion to Islam, equal treatment of all Muslims and generosity in forgiving his defeated enemies. Ali retains his stature as an authority on Qur'anic exegesis, Islamic jurisprudence and logical thought. He fought against rebel "Muslim" factions as per Qur'an 49:9.
Name of the head of the state	Timeline of head of state	Denomination	Selection process	Overall contribution
Ummayad Dynasty	661-750/1031	Autocracy		Expansion of the Islamic empire
Caliphs of Damascus	661-750	Autocracy		
Omar Ibn** Abdul-Aziz (682-720)	717-720 (poisoned)	Nominated, unanimously accepted		Reinstated Islamic Caliphate
Emires of Cordova	756-921	Appointed		
Caliphs of Cordova	929-1031	Appointed		
Abbasid Caliphs	750-1258/1517	Autocratic		Scientific and technological breakthroughs
Caliphs of Baghdad	750-1517	Autocratic		
Caliphs of Cairo	1261-1517	Autocratic		
Other Caliphs	909-1261			
Fatimid caliphs	909-1161	Autocratic		
Almohad caliphs	1145-1269	Autocratic		
Ottoman Empire Caliphs	1517-1922	Autocratic		Formalization of civil service, military

* Corresponds to Ibn Khaldun's model state

** Many consider Umar ibn Abdul Aziz to be the 5th rightly guided Caliph because of the fact that he ceded power and was subsequently elected to power.

Practically speaking, absolutist regimes are not beneficial to humanity because they set the table for ideology, control, over-taxation, stealing of property, unjust violence, etc. The latter one is very problematic, as it defeats the purpose of Hobbes' state itself. Yates points out two views on this issue. The first is that of Locke and others that believe that the Sovereign has a right to do what it pleases, including violence and infliction of harm. The second view is that only the sentence to the pre-determined law may be executed.⁶² From a practical perspective, such a government could be very frightening and dangerous. A look at any human rights-toleration map shows us that the very worst states are the most authoritative ones. The cases in point are Saudi Arabia, North Korea, Egypt, etc. that are and have historically been involved in human rights abuses.⁶³ A parallel version to Hobbes' state can be found in Nazi Germany under Adolf Hitler. People of Germany democratically elected Hitler, rendering him a 'Sovereign', who took over the state matters and personified Hobbes' 'Sovereign'.⁶⁴

The problem of Hobbes' theory lies within his belief that a sovereign may possess the powers to do evil—the opposite of peace—and order which is the purpose of the state in the first place; even if he didn't intend it to be such. Of course, Hobbes is proposing a *modus vivendi*, a model to coexist, but that does not change the fact there are theoretical flaws in his model: it is impossible to predict such a situation in reality, let alone tolerable rule. It does not stop at predicting chaos or anarchy, it goes further and asserts that the chaos/anarchy model is the only model and there cannot be an alternative model.⁶⁵ One of the overarching problems of Hobbes' model is that it only pays attention to the single state, and not the big picture of a global vision for humanity. This is shown in Figure 3.1. The fact of the matter is that the theoretical notion of there being a sovereign for every group of people is myopic,⁶⁶ in the sense that when only the group of one state is of concern, and other groups or the general global situation is ignored, the results are detrimental to the global situation. Such is the practical case with historic infighting amongst different sovereigns, each with their own agendas fighting with each other for their own self-interest. This, at least until modern times, was the case amongst empires and dynasties, each fighting for their survival. This key feature of Hobbesian myopia was pre-empted by Ibn Khaldun, and picked up by modern historian, Turchin that observe a "cyclical process of rise and fall"⁶⁷ in France and Western European countries and in general as observed throughout the book. The model of Hobbes then, as stated in Figure 3.1 caption, is a fostering of global chaos and is inherently unsustainable. How can someone even accept it on pragmatic grounds? The above line of discussion represents a brief dialectical overview of how Hobbes' theory was dealt with over time—the point being conveyed is that theorists are products of their times.

The implication of Locke's inability to strictly define the criteria by which 'right' or 'moral' is that a series of practical difficulties human civilization faces in its path to prosperity. There is no specific model of government that Locke envisions.⁶⁸ Today, we can consider the US government based on fundamental Lockean ideas, at least in comparison to other governments. As Stephens, representing the John Locke Foundation put it, "John Locke is the intellectual father of our country. While a number of thinkers...made important contributions, this political and social philosopher of 17th century England influenced the author of the Declaration of

Independence and the Framers of the Constitution more than any" (Stephens). Uhr tells us that United Kingdom took less from Locke, or "domesticated" it, whereas the Americans were much more insistent upon his ideas.⁶⁹

When one takes in account the model of the American government as an example, one identifies a number of problems. The first problem one encounters is the issue of basic logical consistency applying to laws; if one assumes that in order for a law to be 'right', it must be consistent throughout the state and theoretically, the world, as the human race is one according to Locke.⁷⁰ In the case of the US, excluding the world (for now), even within the country, every single state has a different rule of law, and hence, many conflicting laws. This means that a person in the US who committed X crime may receive life imprisonment in state A, while just one kilometer across the state border, it would be legal for the person's life to be taken away in state B, someone who does something in state A may be free, whereas one kilometer down, it may be legal for the person to be incarcerated for the same act. This tells us two things, firstly, that there is no logical consistency or standard even within countries, and secondly, that there is no standard to determine in which jurisdiction which laws are made. The implications are dual: a) US laws are hypocritical,⁷¹ as a crime cannot be a function of space or place committed, and; b) there is no legal basis (standard) for laws to be created separately across areas within a country. Then, there is equally catastrophic implication when it comes to race discrimination in implementing laws through the legal system. In this regard, Islam et al. provide a succulent review of the 'sociological degeneration' throughout US history.⁷² One could cite numerous publications to validate this point, however it suffices to say Lockean model has imploded spectacularly in its application in USA.

Associated with (b) is the issue of the right to establish a certain type of democratic government. For instance, there is no criterion given on how people are to be represented: rules on whether any member of the public be elected, requirement for party-membership, requirement for a party member have to always agree with the party leader, etc. In absence of the notion of acting on conscience, which is a requirement in Ibn Khaldun model, the entire democratic process becomes arbitrary. All of these questions have a significant impact on the effectiveness of democracy and on its laws. For instance, it is possible that we are really not given the choice of electing who we want to, but rather a few elite groups are given the right to determine who runs for the predetermined parties, and the people ending up requiring to choose the "less of two evils" that is a key idea in the two-party system. Another scenario might be the case of party discipline, which is used in Canada.⁷³ Although the government argues that it assures voters with ideological guarantee, it can be twisted to mean that we are not even given the choice to elect representatives that will act for the voters, but rather a general political ideology.⁷⁴ Recently, the former Prime Minister of Australia, Tony Abbott, was replaced with current Prime Minister Malcolm Turnbull without election, only by the decision of a few representatives. These types of hindrances of true popular sovereignty require logical justification, on top of the moral justification required for popular sovereignty itself.

On the subject of representation alone, an entire volume of book can be written. Islam and associates point out the hopelessness of western democracy by citing the following facts:⁷⁵

- Less than two per cent of the population in the U.S. and Canada are registered with a political party. This effectively means that, statistically, less than one percent are involved in deciding, i.e., selecting, who will actually seek office in an upcoming election and represent the remaining 99 per cent.
- After the election primaries, the game is pretty much: whoever has the most money wins. Incidentally, both parties in USA and all four dominant parties in Canada are supported by the same financial and industrial conglomerates.
- Recent movements involving ‘Occupy Wall Street’, ‘Black lives matter’, etc. highlight the ‘prophecy’ of Karl Marx that commented on how money runs our lives that marginalizes vast majority of the population, catapulting current civilization where 1% of rich owns almost 50% of the wealth and 100% of power.

An extension of the problem (a) leads us into the international realm. If there were many different rules of law in the world at the same time, it would mean that artificially created states⁷⁶ might choose radically differing laws for the same people. For instance, in the Palestinian legislative election of 2006, Hamas (the Change and Reform Party) won a clear majority. This seemingly non-controversial, UN supervised, democratic, and legitimate election was declared void over the West Bank, followed by Israeli blockade of Gaza, and consequently the declaration of Hamas as a terrorist organization.⁷⁷ In Chile, Salvador Allende of the Socialist Party of Chile won absolute majority, which was removed in a US-backed coup d'état – fact that was concealed for decades.⁷⁸ In both cases we observe a situation in which foreign powers intervened in other countries' democratic selection processes. This model that had been previously applied also Algeria, Afghanistan, Iran, was applied in Egypt in 2013, in which instant a coup against a democratically elected government was hailed as ‘salvaging democracy’.⁷⁹ This negation takes place at the level of entire peoples and countries. The question that must be asked, but cannot be answered without a global standard (that Locke doesn't provide), is ‘by which criterion (global standard) is a foreign entity morally justified to go against the country's democratic process?’ Do the US or UN or any entity have any right to intervene in any state of affairs of a democratically elected government? These moral and legal dilemmas cannot be answered with Locke's model, as there are no global standards morality or ethics.

Furthermore, there are numerous issues that cannot be resolved in absence of global moral and ethical standards. They include defining the age of consent, drinking, smoking (if at all), driving, ability to make own decisions (marriage, medical procedures, etc.); age of legal witness; permission of slavery of races not deemed human (hence all “people” are equal); definition of human (cannot be explained with nominal standards); purpose for humanity; definition of right, liberty, or justice; rights of non-humans; environmental integrity; definition of liberty and selected liberties; definition of consent (marriage, sex, medical procedures); definition of sanity; right to rebellion; the list goes on indefinitely. There is no standard in Locke's model that can

answer any of these questions, as natural law does not pave the way for there being a divine law dictating everything (like problems in the above list), and people being the standard can obviously prove detrimental to problems we face today and have faced since the beginning of humanity. These findings naturally suggest that there be fundamental revision of this incomplete theory.

The underlying issue behind what some may call a rather simplistic analysis of the evaluations and criticisms of Hobbes' and Locke's theories of governance, is that from an Islamic perspective, this entire dialectical transformation and evolution of western political theory, partly grounded for example in Hobbes' and Locke's theories, is that scholars are always products of their time. Whether it is today, or if we go back to the Greek stoics, it is impossible to claim that one has outstepped their *zeitgeist*, as Georg W. F. Hegel put it in the 19th century. The only escape from this endless dialectic, the rise and fall of civilizations, false predictions, and belief in theories that are ultimately deconstructed, is a model in which can claim objective and absolute truth—an absolute criteria of right and wrong. This is the alternative that Islam offers; clearly, such claims of universalism both paves the road for an entirely different worldview, and an incorporation of substantive content of “religions” to be re-considered for use in modern political theory. This question is even more pressing today when the intellectual founding fathers of liberalism, like John Locke, have their theories deconstructed to the bone; it would seem to be the only escape from nihilism.

The problem with Locke's model, as with Hobbes, is that there is no moral standard provided, which can weigh in on moral dilemmas (majority vs. morality), and no governmental structure provided for Locke's government. Ultimately both are simply engaged in an exercise of trying to legitimizing the transfer of power from the people to a 'sovereign state' without saying much at all about where the moral imperative for recognizing that power rests with people comes from. Of course, historically, their practical concern was with establishing basis for moving away from hereditary rule by kings (without consent). However, they both leave the door wide open for replacing the tyranny of kings with the pragmatism of a 'secular' or 'democratic' government empowered by the people to represent them. It seems, the political philosophies were concerned with describing a process rather than with addressing the substance of that process and what makes it moral and, therefore, legitimate. For each of them, especially Hobbes, it's mostly form over substance. Both the models lead to the problem of having to deal with moral dilemmas, within a state and across borders, which have impacts on human rights and on the true power of the people. The latter problem of government structure (representation, parties, etc.) leads to the possibility of substantial disparity between peoples' true power across countries or the same country at different periods in time

6 Conclusion

This article explored the bases justifying the ideal governance models of Ibn Khaldun, Hobbes, and Locke, and the moral and global consequences of their paths of legal derivation. It

subsequently helps us understand the divergence between “truth-based” (Islamic) governance as opposed to “opinion-based” governance—governance based on opinions, representing the divergence between western and Islamic political thought.

It is found that Ibn Khaldun’s model is based on a universal standard for humanity, and there are no logical inconsistencies found in the *internal* derivation of the standard, stemming from the purpose of life (representing God), to practical legal derivation through the Qur'an and Hadith (prophetic narrations). In contrast, Hobbes’ theory is partially complete; complete in the sense that there is a clear instruction to how government should work, however there are logical inconsistencies - with great moral implications - that are unexplainable. Locke’s model lies in between the former two, as his begins with a universal standard, however he is unable to explain the criteria by which standards are created (i.e. who gives him the right to make law?), and why his theory is an appropriate explanation for government in the first place (i.e. criteria for natural rights vs. popular sovereignty).

In the application, one observe that Ibn Khaldun’s model cannot have any moral unsolved and unexplainable dilemmas, because; a) there is such thing as a clearly defined, logically derived moral standard, and b) his vision is for humanity as a whole, not a state or smaller sub-political entity. In contrast, Locke’s and Hobbes’ models - even if one ignores their logical inconsistencies - are by structure myopic in approach, and are unable to explain current, global moral problems. For instance, the issues of global intervention and limitations of democracy (legal and structural) cannot be explained by Locke’s model. In both of these models, the result ends with what is by definition, chaos (“complete disorder and confusion”), because the logical inconsistencies in the models are not straightened out, and therefore, international conflicts cannot be resolved (through subjective, myopic standards). Our discussion in sections four and five demonstrate the incompleteness of certain western thinkers, and subsequently the lack of justification for the practices based on (mainly Locke’s) philosophy—the gap between theory and practice—as found in countries such as the United States.

These findings have two significant implications. The first is that the principles and philosophical traditions that uphold modern ‘democracy’ is unable to explain basic concepts of justice and humanity, due to absence of a global standard. It is no exaggeration to say that western representative democracies have largely abandoned the social contract and are not entirely pragmatic as everything is measured by reference to what serves the corporate sector. At the end of the day, despite lofty claims about some vague notion of natural law, the systems which grew out of their philosophical reaction against the arbitrariness of rule by hereditary kings has left with a system of “representative democracy” which arguably is no less amoral than what preceded it. This mandates substantial revision, from the ground up, of what we hold sacred, namely, democracy, hopefully in the direction of a global standard like what Ibn Khaldun envisioned. That being said, even Liberal optimists should be encouraged to participate in this new line of discourse, as it is quintessentially liberal to revise, redo, and improve theories. This article is simply key to identifying this problem and warranting that there is an alternative to

chaos, pessimism, and false optimism. The second major implication is on the field of political science; this discussion allows for a completely new paradigm by introducing a way to analyze theories by unraveling their moral and ethical standards manifest in their fundamental premises. It helps the west understand the very different foundations of Islamic political theory, and urges those studying Islamism and political Islam to conceptualize Islam as more than a faith, and possessing a very different understanding of political theory.

Notes

¹ F.H. Hassan, “Ibn Khaldun and Jane Addams: The Real Father of Sociology and the Mother of Social Works.” In: Congreso Ibn Khaldun, Madrid, Spain, 3-5 November 2006. *Encuentro Internacional*

² W.E. Gates, “The spread of Ibn Khaldun's ideas on climate and culture”, *Journal of the History of Ideas* 28 (1967): 415-422.

³ F. Baali, *Society, state, and urbanism: Ibn Khaldun's sociological thought*, Albany: University of New York Press: 1988.

⁴ L.E. Goodman, L. E. “Ibn Khaldun and Thucydides” *Journal of the American Oriental society* 92 (1972): 250-270.

⁵ M.R. Islam et al. Reconstituting the Curriculum, 148.

⁶ M.M. Rabi, *The Political Theory of Ibn Khaldun* (Leiden: Brill, 1967), 132.

⁷ M.R. Islam et al. *Reconstituting the curriculum*, 2013, 110.

⁸ *Asabiyyah* refers to the concept of what we may call group consciousness and solidarity

⁹ M.R. Islam, J. S Islam, G.M. Zatzman, M.S. Rahman and M.A.H. Mughal, *The Greening of Pharmaceutical Engineering, Volume 1: Practice, Analysis, and Methodology*, New York City: Scrivener-Wiley, 2015, 557.

¹⁰ Rabi, *The Political Theory of Ibn Khaldun*.

¹¹ H.A.R. Gibb, “The Islamic Background of Ibn Khaldun's Political Theory,” *Bulletin of the School of Oriental and African Studies* 7 (1935): 23-31.

¹² Ibid. 25

¹³ Rabi, *The Political Theory of Ibn Khaldun*, 8.

¹⁴ Ibid. 31

¹⁵ H.A.R. Gibb, *Studies on the Civilization of Islam*. Princeton: Princeton University Press 1962, 173.

¹⁶ Ibid. 174.

¹⁷ J.S. Islam et al., “A New Cognitive model”.

¹⁸ M.R. Islam et al., Reconstituting the Curriculum, 117.

¹⁹ Ibid 113.

²⁰ A.I. Goldman, *Epistemology and Cognition*. Cambridge: Harvard University Press 1986

²¹ M.R. Islam et al., *Greening of pharmaceutical Engineering*, 675.

²² It's similar to latest version of Oxford dictionary vs the Qur'an as standards of languages (English and Arabic, respectively).

²³ Hobbes, *Leviathan*, 77.

²⁴ Hobbes, *Leviathan*, 78.

²⁵ Tom Sorrel ed., *The Cambridge Companion to Hobbes* (Cambridge: Cambridge University Press, 1996), 222

²⁶ Ibid.

²⁷ A. Moseley, “Political philosophy of John Locke,” in *Internet Encyclopedia of Philosophy* (2005).

²⁸ John Locke is considered by many to be a deist with belief that god created nature with inherent natural laws

²⁹ Forde, S. ““Mixed Modes” in John Locke's Moral and Political Philosophy.” *The Review of Politics* 73 (2011): 581

³⁰ John Locke, *Two treatises of government* (Hamilton: McMaster University archive of the history of economic thought, 2014), 107.

³¹ Ibid, 108.

³² Ibid, 161.

³³ Ibid, 204. It's important to note that for each of these topics it is possible to go into a lot of depth on the individual issues; however, the goal is to understand the basic concepts.

³⁴ A. Moseley, A. Political philosophy of John Locke, 2005, In: Internet Encyclopedia of Philosophy. Available from: <http://www.iep.utm.edu/locke-po/>

³⁵ Islam et al., Reconstituting the Curriculum, 118. Hadith is the collection of the prophet Muhammad's sayings, actions and activities condoned by him (actively or tacitly)

³⁶ The Arabic word 'dīn' stands for natural traits and not a set of doctrine as in organized religions

³⁷ 'Abd al-Rahman Ibn Khaldun, *The Muqaddimah: An Introduction to History*, trans. Franz Rosenthal. (1967). https://asadullahali.files.wordpress.com/2012/10/ibn_khaldun--al_muqaddimah.pdf, 257.

³⁸ Ibn Khaldun believed that the aspect distinguishing the Caliphate from Christian and Jewish authoritative figures is that for the latter two, there is division of religion and politics (as the goal of those religions was to establish religion amongst themselves only and not politically across the world) (The Muqaddimah p. 183).

³⁹ , R. W. Grant, *John Locke's liberalism* (Chicago: University of Chicago Press 2010).

⁴⁰ W Kendall, *John Locke and the Doctrine of Majority-rule* (Urbana--Champaign: The University of Illinois press, 1940), 113.

⁴¹ P. Sheridan, "Locke's Moral Philosophy", in ed. Edward N. Zalta, *The Stanford Encyclopedia of Philosophy* (Summar, 2014 [online]).

⁴² Summarized by D.A. McWhirter and J. D. Bible. *Privacy as a constitutional right: Sex, drugs, and the right to life*, (Greenwood: Greenwood Publishing Group, 1992).

⁴³ Ibid, 39

⁴⁴ Whether or not the government Hobbes envisioned was meant to be tyrannical and/or totalitarian is debated. Nevertheless, the fact remains that power is vested in (favorably) one individual.

⁴⁵ Norberto Bobbio, Daniela Gobetti tr., *Thomas Hobbes and the Natural Law Tradition* (Chicago: University Of Chicago Press, 1993), 148

⁴⁶ Wolfenden, K. J, "Hobbes' Leviathan and Views on the Origins of Civil Government: Conservatism by Covenant," Student Pulse 2 (2010).

⁴⁷ Hobbes is seen by many to be the "representative example of a 'realist' in international relations" (Lloyd and Sreedhar, 2014, Section 5??), meaning by realist that states are in a state of nature

⁴⁸ M.R. Islam et al., Reconstituting the Curriculum, 2013.

⁴⁹ Starting from the death of the prophet Muhammad (632) to the death of the fourth caliph, Ali (661).

⁵⁰ Scott, P and W. T. Cavanaugh, eds. *The Blackwell companion to political theology* (New York City: John Wiley & Sons, 2008), 505

⁵¹ Okane, A. A. and S. B. Ahmad. "Ibn Khaldun, Cyclical Theory and the rise and fall of Sokoto Caliphate, Nigeria, West Africa." *International Journal of Business and Social Science* 2 (2011): 83.

⁵² "Repulsed" by the rising and declining of monarchies and the moral corruption that comes with it.

⁵³ B. Maddy-Weitzman, "Islamism, Moroccan-style: the ideas of Sheikh Yassine." *Middle East Quarterly* 10 (2003): 43-51. This is the cyclical history that Gibb had earlier presented us with in the context of Ibn Khaldun's discussion of the world without a caliphate.

⁵⁴ Ibn Khaldun, *The Muqaddimah*, 275-276.

⁵⁵ Islam et al., Reconstituting the Curriculum, 123

⁵⁶ D'Agostino, F. and I. Jarvie, eds, *Freedom and Rationality: Essays in Honor of John Watkins from his Colleagues and Friends*. Vol. 117 (Berlin: Springer Science & Business Media, 2012), 127. By injustice, we are talking about the typical lawless oppression, over-taxation, and things that we can universally see as "bad".

⁵⁷ Islam et al., Reconstituting the Curriculum, 57.

⁵⁸ It is of interest to note that each individual also enjoys the same position as every person is a *khalifa* of God as per the Qur'an (2:30). The Caliph, however, is the one with dual responsibility. He is the viceroy as well as 'representative' of the people.

⁵⁹ The concept of 'just war' features prominently in Ibn Khaldun's work but is beyond the scope of this paper.

⁶⁰ Note that Hobbes does distinguish between good and bad laws, good being necessary for the people and the power of the sovereign, and not to “bind voluntary actions”: Thomas Hobbes, *Leviathan* (Hamilton: McMaster University), 213-214. However the fact that bad laws are possible to create and not considered unjust, paves the road for an absolutist state.

⁶¹ Islam et al., *Reconstituting the Curriculum*, 328-329.

⁶² Arthur L. Yates, “Thomas Hobbes on Punishment,” (PhD Diss., *University of Western Ontario*, 2012), 52-54

⁶³ Human Rights Watch, *World Report 2015: Events of 2014* (Bristol: Policy Press 2015), 460, 408, 201.

⁶⁴ From ancient absolutist monarchies battling each other to Hitler’s empirical conquest to take over the earth, it goes without saying that absolutist states are bad from the inside and out

⁶⁵ Zatzman and Islam (2007, p. 56) attributed this philosophy to Baroness Thatcher’s infamous statement, “There Is No Alternative”, calling it the TINA syndrome.

⁶⁶ By myopic, what is meant is the notion that the theorist is focused only on a partial outcome rather than a general equilibrium as proposed by economists Zatzman and Islam (Zatzman and Islam, 2007, p. 116). In our case, by myopic, I mean that only one aspect (i.e., the people and sovereign of one group) are of concern and other issues are ignored.

⁶⁷ P. Turchin, *War and peace and war: the rise and fall of empires* (City of Westminster: Penguin, 2007), ch. 8, p. 2-3.

⁶⁸ The basic Lockean notion of government requires there to be a representative of the majority of people (Two Treatises of Government, p. 166), and that of course any government acting against their trust (or “law”), people have a right to overthrow them (discussed in p. 199-200) and Uhr (1987).

⁶⁹ Uhr, I. “Executive-Legislative Relations: Learning from Locke.” *Canadian Parliamentary Review* 10 (1987): 10.

⁷⁰ M.M. Curtis, *An outline of Locke's ethical philosophy* (G. Fock, 1890), 65

⁷¹ This is the case for decisions of policy making (for instance, districting vs. popular vote to support a law may have a ginormous effect on how governments work and what acts are declared legal and illegal (ex. 2000 presidential election, is Al Gore or Bush President the winner) or who gets to choose the process).

⁷² Islam et al, *The Greening of Pharmaceutical Engineering, Volume 1: Practice, Analysis, and Methodology*, 92-96.

⁷³ H. Chodos et al., “Party Discipline and Free Votes” *Parliament of Canada*, last modified 2006, www.parl.gc.ca/Content/LOP/ResearchPublications/tips/tip81-e.htm

⁷⁴ An example where this can be concerning may be when a specific constituency has a concern (ex. oil spills), where people support a party, but are against the party’s views in a specific vote for allowing environmental control, this poses the problem of whether or not people should be subject to one of many party affiliations, or rather someone who can directly represent them, as a person.

⁷⁵ Islam et al., *Reconstituting the Curriculum*, 444.

⁷⁶ Note that states are not created on cultural/tribal basis but rather on an arbitrary basis, so one cannot make the argument that laws are different due to culture. Additionally, different people moving to that state are also subject to the same laws, therefore the culture excuse does not logically apply. Not to mention, there is nobody with the logical authority to create those laws or structure government, whether or not the laws are universal or pertain to a specific culture.

⁷⁷ I. Kershner, “Abbas’s Premier Tells Israel to Reopen Gaza,” *The New York Times*, last modified December 14, 2007. http://www.nytimes.com/2007/12/14/world/middleeast/14mideast.html?_r=0

⁷⁸ “CIA Reveals Covert Acts In Chile,” CBS News.com, last modified September 11, 2000, <http://www.cbsnews.com/news/cia-reveals-covert-acts-in-chile/>

⁷⁹ Islam et al., *Reconstituting the Curriculum*, 425.

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Book Review: True Islam, Jihad and Terrorism: The Science of Islamic Foreign Policy, by Jaan S. Islam[†]

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THIS IS A VERY TIMELY BOOK that covers a gap in the western society about Islamic history/philosophy/political science. This book presenting the Islamic political philosophy as represented in the writings of great Muslim thinkers and scholars such as Ibn Khaldun. All theories discussed in the book are backed with evidence from the primary Islamic sources, Qur'an and authenticated Sunnah. These sources were completely ignored in the in the Orientalist (now it has morphed into neo-Orientalism) writings, which led to the inundation of the post 9/11 world with disinformation and agenda-driven 'research' about Islamic history. The distinction between this book and these agenda-driven ones gives the book a special value. Although the book is explaining the Islamic foundations of political science and governance, it should not be looked as a book of theology. It is no exaggeration to say that this book is a masterpiece in political science and should be in the library of every one interested in reading or writing in political science and Islamic history.

Although the book explains succulently the Islamic foundations of political science and governance, it should not be looked at as a book of theology. It is a dogma-free approach. Quite appropriately, the author starts off with a brilliant narration of Islamic cognition. It has been all but forgotten in the west that Islam is the religion that started the tradition of dogma-free, truly scientific cognition. The west does recognize Averrœs, the famous Islamic scholar as the father of secular philosophy, whereas brands Islam as just another religion, similar to Christianity, infected with doctrinal philosophy. It is no surprise that with that starting point, Islam remains the most misunderstood religion in the west.

The next chapter deals with fundamental philosophies of three major philosophers, namely Hobbes, Locke and Ibn Khaldun. In this chapter, the author debunks another myth, that is Ibn Khaldun's political theory is somehow similar to those of Hobbes and Locke. Ibn Khaldun, the father of social science, indeed had a very different starting point in his cognition. The author points out how Ibn Khaldun's first premise was *Shahadah* that formed the basis of the cognition

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axis by using Qur'an as the origin and prophet Muhammad's life (through the book of Hadith) as the pivotal point. On the other hand, Locke had placed himself as the pivotal point, whereas Hobbes eliminated any cognition point. The author makes it clear that both Hobbes' and Locke's cognition tools are just as illogical as dogmatic cognition. To my knowledge, this accurate distinction has not been made by any author. It is because the eastern authors do not know about Hobbes and Locke and the western authors do not know about Islamic cognition that was obviously alive and well with Ibn Khaldun.

In Chapter 4, the author uses the case laws of the prophet and his four rightly guided caliphs (known as *Rashedun* Caliphs). Clearly, the author's intention is to understand how the prophet and his closest followers went to war or which verses of the Qur'an they were enacting. For the first time anyone took this approach and not surprisingly, the author comes up with four rigid criteria (five) from the Qur'an. These criteria are all from the Qur'an and no other author to the best of my knowledge connected them to specific wars that the prophet and his companions engaged in. This finding helps the author establish *jus ad bellum* that can explain every war that shaped the foundation of the young Islamic state of the time.

Similar to Chapter 4, the author discovers *jus ad bello* in Islamic jurisprudence in Chapter 5. Once again, the case laws are presented and analyzed in such a manner, one can take any new example and evaluate it to call it permissible or not. The theoretical basis for critiquing any modern warfare is set in this chapter.

It is often stated that Islam is a complete code of life. The author makes it clear that Islam didn't leave anything to imagination and has left a strict criterion and modus operandi for any imaginable crisis that can occur at any time. The important question arises as to when a head of state that once claimed to have divine authority can be removed or when a head of state can be declared unfit and it becomes mandatory for the citizens to remove him or wage war if necessary. This is not an easy topic to cover even in today's world. The author covers it with dexterity from an epoch he considers as exemplary. The history is not pretty and there is room for controversy as often the history is written by the victor and clearly after the demise of the rightly guided Caliphate, the victors were no longer rightly guided. The author weaves through this difficult process and makes it clear for the readership. This chapter can be an eye opener even for a student of Islam that has spent life time on the topic.

Often when Islamic criteria are discussed, eyes roll and eye brows furrow in disbelief. If it is all that simple, why don't Islamic scholars have consensus? The author handles this topic like a pro. In Chapter 7, he analyzes current Islamic scholars and deconstructs their thought process. He has kind for some but has nothing but scorn for the self righteous, apologist 'scholars' that have done great disservice to Islam and/or scientific cognition process. One doesn't have to be personal, but the writing is so clear, one can hardly afford to not get angry at certain genre of scholars. To anyone's surprise, this list is not made out of anti-Islamic non-Muslim scholars.

Chapter 8 is where proof of the pudding appears. The author analyzes every major event of today's political arena and analyzes it with the Islamic criteria of both *jus ad bello* and *jus ad bellum*. The author comes up with an index to rank various countries and groups. Most interesting is the discussion on current US allies, such as Saudi Arabia, and how they rank among the biggest offenders of Islam and Islamic laws. This is not a topic for the faint of heart but the author did an excellent job making it easily readable, punctuated with numerous riveting arguments.

Chapter 9 is the conclusion and recommendation. I have studied Islam for some 20 years and yet I found these conclusions novel, yet totally logical. I doubt anyone would agree with the conclusions unless of course that person read the entire book prior to reading the conclusion. It is important to read the book in sequence.

Chapter 10 lists the bibliography and references. It is many pages long and is quite comprehensive.

Chapter 11 lists the letters of the prophet. It is a great idea to give the letters in original Arabic, so there is no room for misinterpretation, let alone disinformation.

Anyone with knowledge of Islam knows that Jihad is in the core of Islam and this book shows it is so and there needs to be no apology. Quite interestingly, the author even depicts Jihad as the roof of Islam. This depiction captures the essence of protection, security, as well as integrity and puts away the notion of Jihad being a weapon for Crusade like aggression.

This book belongs to the desk of any researcher interested in knowing about Islam or what Islam can do to bring about peace on earth in order to live out the true meaning of the word, *Islam* that means peace through submission to the creator. This book is equally useful for anyone interested in pursuit of peace and harmony that is truly elusive in today's world.